

# Disaster

# Legal

# Services

STATE BAR OF CALIFORNIA □ OFFICE OF LEGAL SERVICES  
FOUNDATION OF THE STATE BAR

## ACKNOWLEDGMENTS

The State Bar of California's **California Handbook for Disaster Legal Services** (Handbook) is a project of the Program Development Unit of the Office of Legal Services. This publication was printed with a generous grant from the Foundation of the State Bar of California.

The following individuals made substantial contributions to the publication and their efforts are greatly appreciated:

**Kirk Ah Tye**, Santa Barbara County Bar Association and Channel Counties Legal Services Association  
**Patty Alberto**, Federal Emergency Management Agency  
**Bonnie Bailer**, Public Counsel  
**Jodie Berger**, Legal Aid Society of Alameda County  
**Steven Birnbaum**, Law Offices of Steven Birnbaum  
**Terry Coble**, Legal Services of Greater Miami  
**Sarah Cohen**, Department of Industrial Relations (formerly with the Legal Aid Foundation of Los Angeles)  
**Tamara Dahn**, Community Legal Services  
**Lora Jo Foo**, Asian Law Caucus  
**Bonnie Freeman**, Federal Emergency Management Agency  
**Rosemary French**, Benchmark Institute  
**Mary Kathy Gillespie**, California Rural Legal Assistance  
**Marcie Gladson**, Protection and Advocacy (formerly with Bet Tzedek Legal Services)  
**Elaine Glass**, Santa Monica Bar Association  
**James Head**, National Economic Development and Law Center  
**Rick Jenkins**, Small Business Administration  
**Linton Joaquin**, National Immigration Law Center  
**Herb Johnston**, Small Business Administration  
**Pete Manzo**, Public Counsel  
**Mary Ellen Martinet**, Federal Emergency Management Agency  
**Kate Meiss**, Legal Aid Society of Hawaii (formerly with Western Center on Law and Poverty)  
**Beth Osthimer**, San Fernando Valley Neighborhood Legal Services  
**Julie Paik**, San Fernando Valley Neighborhood Legal Services (formerly with Asian Pacific American Legal Center of Southern California)  
**Michael Paul**, Legal Aid Society of Alameda County  
**Paul Rose**, Legal Aid Society of Alameda County  
**Peter Schey**, Center for Human Rights and Constitutional Law  
**Dara Schur**, Western Center on Law and Poverty and Protection and Advocacy  
**Nicholas Smiley**, Individual and Family Grant Program  
**Marion Standish**, California Food Policy Advocates  
**Dennis Stewart**, United States Department of Agriculture  
**R. Scott Wylie**, Public Law Center

Appreciation is also extended to the State Bar staff who assisted in the production of the Handbook and provided ongoing support:

**Cynthia Abramov**, Assistant General Counsel, Office of General Counsel  
**Francis Bassios**, Director, Enforcement Unit, Office of Chief Trial Counsel  
**Robert Hawley**, Chief Assistant General Counsel, Office of General Counsel  
**Mary Holomon-Thomas**, Program Development Unit Secretary, Office of Legal Services

**Rae Jones**, Temporary Administrative Assistant, Office of Legal Services  
**Laura Murray**, Temporary Administrative Assistant, Office of Legal Services  
**Sharon Ngim**, Pro Bono Program Developer, Office of Legal Services  
**Theresa Raglen**, California Young Lawyers Association Staff Administrator, Office of Bar Relations  
**Marvin Reyes**, General Clerk, Office of Legal Services  
**Laurie Shigekuni**, Consultant, Office of Legal Services  
**Jennifer Walsh**, Temporary Administrative Assistant, Office of Legal Services  
**Ann Wassam**, Deputy Director, Office of Bar Relations (formerly with the Office of Legal Services)  
**Randall Difuntorum**, Senior Attorney (Ethics Hotline), Office of Professional Competence, Planning and Development

**Legal Services Trust Fund Program Staff**  
**Office of Printing Services Staff**

The following publications were significant resource material for the Handbook:

"Disaster Assistance Guide for Legal Services Practitioners." Terry A. Coble. Legal Services of Greater Miami. May 1995, as it appeared in the *Clearinghouse Review*. 25 pp.

Disaster Legal Assistance: Training Materials. American Bar Association Young Lawyers Division (Produced by Southeast Training Center and Benchmark Institute). November 1991. 488 pp.

Disaster Legal Assistance Manual. Los Angeles County Bar Association, Barristers Disaster Relief Assistance Committee. January 1994. 185 pp.

FEMA & Other Financial Assistance for Low-Income Disaster Victims. San Fernando Valley Neighborhood Legal Services. January 20, 1995. 39 pp. (Updated from 1992 edition by the Legal Aid Society of Alameda County and Western Center on Law and Poverty and 1994 edition by Western Center on Law and Poverty and Harbor Interfaith Shelter).

Program Development Unit  
Office of Legal Services  
State Bar of California

## DISCLAIMER

The State Bar of California does not approve or endorse any particular agency, organization, program, individual or practice listed in the **California Handbook for Disaster Legal Services** and reserves the right to take appropriate action against any attorney or entity which violates the California Rules of Professional Conduct or other applicable authorities. The purpose of this publication is to offer information collected from a range of advocates about providing legal assistance to disaster victims in California. This information may be especially helpful to bar associations, legal services programs, pro bono programs and State Bar-certified lawyer referral services that are interested in developing a disaster legal services plan and responding to the legal needs of disaster victims.

The Office of Legal Services attempted to verify the accuracy of all information herein at the time of printing; however, the information may have changed since then. Any omissions or oversights are unintentional and inadvertent.

**Points of view or opinions expressed in this document are those of the authors. These have not been adopted or endorsed by the State Bar's Board of Governors and do not constitute the official position or policy of the State Bar of California.**

© August 1997 by the State Bar of California. All rights reserved.

*No part of this work may be reprinted, reproduced, stored in a retrieval system, or transmitted in any medium, without prior written permission of the State Bar of California. To request written permission, please contact Sharon Ngim in the Office of Legal Services, State Bar of California, 555 Franklin Street, San Francisco, CA 94102, 415-561-8267 or 1-800-628-4858 (within California only). Permission is hereby expressly given to reprint the work solely for non-commercial purposes related specifically to disaster planning, disaster response or the training of attorneys by bar associations, legal services programs, pro bono programs and lawyer referral services to provide free legal assistance to disaster victims. Written acknowledgement must be given to the State Bar of California.*

# TABLE OF CONTENTS

Section 1:	How to Use This Publication
Section 2:	Disaster Legal Services Overview
Section 3:	Pre-Disaster Planning
Section 4:	Responding to the Disaster
Section 5:	Federal Emergency Management Agency
Section 6:	Key Information for Disaster Assistance Applicants*
Section 7:	FEMA Disaster Housing Assistance Programs
Section 8:	Individual and Family Grant Program
Section 9:	Small Business Administration Disaster Loan Program
Section 10:	Disaster Unemployment Assistance
Section 11:	Disaster Food Stamps
Section 12:	Public Assistance Programs for Disaster Victims
<b>Section 13:</b>	Legal Summaries
	A - Consumer
	B - Document Replacement
	C - Employment
	D - Housing
	E - Immigration
	F - Insurance
	G - Miscellaneous
<b>Section 14:</b>	List of Appendices
	A - Important Telephone Numbers and Websites
	B - Agreement Between the American Bar Association on Behalf of its Young Lawyers Division and the Office of Disaster Assistance Programs, Federal Emergency Management Agency Concerning Disaster Legal Services and Letter of Clarification
	C - Table of Acronyms
	D - State Bar of California Disaster Legal Services Library

E - List of Authorities

F - Location of FEMA Offices

G - FEMA Regional Boundaries

H - State Bar of California Office of the Chief Trial Counsel  
Event/Disaster Response Plan

I- Order Form

J- Evaluation Form

K- List of Charts

L- Disaster Relief Recruitment Plan/Outline and Sample Forms

**\*All advocates assisting disaster victims should review Section 6.**

# 1 HOW TO USE THIS PUBLICATION

The **California Handbook for Disaster Legal Services** (Handbook) is a compilation of the collective experience and wisdom gained from those in the legal services community who have been actively involved in disaster response since the Loma Prieta earthquake in October 1989. It is a very comprehensive resource but by no means an exhaustive review of disaster legal services. The many commonalities that can be found in each disaster form the foundation of this publication.

At first glance, the information in the Handbook may appear detailed and somewhat complex, especially if the first time the reader is using the Handbook is immediately following a disaster. Every attempt has been made to make the Handbook user-friendly. The information is presented in a sequential fashion with cross-references to related sections and is accompanied by visual aides where appropriate. The primary objective of the Handbook is to assist the legal community in providing a very valuable service that will make a difference in the lives of disaster victims.

The Handbook was designed to be used by: Leaders of local bar associations and young lawyers associations/barrister groups; members of the private bar; and the staff of local bar associations, legal services programs, pro bono programs and State Bar-certified lawyer referral services. Each has an important role in disaster planning and response efforts. After a disaster strikes, this Handbook will be especially useful in the development of an organized effort to provide legal assistance to individual disaster victims. The Handbook can be used by the legal community in the following ways:

1. Organizing a disaster committee and developing a disaster legal services response plan in advance of a disaster;
2. Training a core group of volunteer attorneys before a disaster strikes who will train and supervise other volunteers recruited immediately after a disaster; and
3. Assisting a neighboring or distant county where resources have been overwhelmed in response to a disaster.

The Handbook is divided into three main areas. Sections 2-4 provide information on how to develop a disaster legal services plan in advance of a disaster and how to implement the plan after disaster strikes. Sections 5-12 are devoted to describing government assistance programs available to help disaster victims. Of particular note is **Section 6 which serves as a map to assisting individuals with disaster-related legal needs and should be reviewed by all advocates prior to advising disaster victims. All advocates should also review the charts in Section 6:** "Chronology of FEMA, SBA, and IFGP Applicants," is a helpful visual aid summarizing the interrelationship between the primary federal disaster assistance programs; "Overview of FEMA Disaster Individual Assistance Programs Available for Renters and Homeowners" and "Overview of Non-FEMA Disaster Individual Assistance Programs Available for Renters and Homeowners" provide convenient references to the various disaster assistance programs described in more detail in the Handbook. Sections 13A-13G provide legal summaries of significant disaster-related areas of law.

Local legal communities are strongly encouraged to "localize" the content of this publication as appropriate so that the information better meets the needs of the affected community (e.g., local rent ordinance supersedes state specific landlord/tenant information). Also, to make the Handbook optimally useful, insert local telephone numbers and addresses as appropriate. See Appendix A. **Please note that portions of the Handbook will change with each disaster so it is crucial to update the contents. In particular, all legal authorities cited and sample materials and forms located in the appendices should be reviewed for currency.**

Legal communities outside California will also find this publication to be a valuable resource. California specific information found in this publication should be replaced with information of the particular state, especially with respect to the list of "Important Telephone Numbers and Websites" found at Appendix A.

Note that there is a Table of Acronyms at Appendix C to aid in remembering the various acronyms referenced throughout the Handbook.

An order form for the Handbook can be found at Appendix I. The Handbook is also available on diskette (WordPerfect 5.1) upon request. Your comments about the Handbook and suggestions on how to improve the publication would be greatly appreciated. Please complete and return the evaluation form at Appendix J.

To learn more about developing a local disaster legal services response effort, or for more information about the State Bar of California's role in statewide disaster coordination, please note the following State Bar contacts:

**Young lawyers associations or barrister groups** call Theresa Raglen, California Young Lawyers Association Staff Administrator, Office of Bar Relations, at 415-561-8219;

**Local, specialty, minority, women's bar associations and State Bar-certified lawyer referral services** call Ann Wassam, Deputy Director, Office of Bar Relations, at 415-561-8240;

**Legal services programs, pro bono programs and legal services support centers** call Sharon Ngim, Pro Bono Program Developer, Office of Legal services, at 1-800-628-4858 or 415-561-8267.



## Section 2: DISASTER LEGAL SERVICES OVERVIEW

I.	INTRODUCTION.....	4
II.	FEDERAL AND STATE EFFORTS .....	4
	A. Federal Emergency Management Agency .....	5
	B. California Office of Emergency Services .....	5
III.	PROVISION OF DISASTER LEGAL SERVICES.....	5
	A. Authorization for and Definition of Legal Services .....	5
	B. Agreement between FEMA and the American Bar Association Young Lawyers Division To Provide Legal Services Nationwide .....	6
	C. ABA YLD Disaster Response Structure .....	6
	D. The State Bar of California: LAW-HELP-CALIFORNIA.....	6
	E. Legal Services Providers.....	7
	Chart: Legal Services for Disaster Survivors.....	8

## **2 DISASTER LEGAL SERVICES OVERVIEW**

### **I. INTRODUCTION**

In October 1989, millions watching the World Series witnessed the Loma Prieta Earthquake as it struck Northern California. Since then, there have been 16 federally-declared and numerous state disasters in California. Disasters kill and injure people. Structures collapse. Businesses close. Workers lose jobs. California has experienced earthquakes, fires, floods, freezes, mudslides and civil disturbances which have devastated communities with people from all income levels. The Northridge Earthquake shook Southern California on the pre-dawn of January 17, 1994. It killed 52 persons and destroyed \$20 billion in property. It was the largest single disaster in United States history to date.

The frequency and scale of disasters in California rivals legends. The following is a list of federally-declared California disasters since 1989.

1989	Loma Prieta Earthquake
1990	Southern California Fires
1991	Central Valley Freeze East Bay Hills Firestorm
1992	Southern California Floods Los Angeles Civil Disturbances Humboldt Earthquake Big Bear Earthquake Calaveras/Shasta Fires
1993	California Floods Southern California Fires
1994	Northridge Earthquake Salmon Fisheries Decline
1995	Winter Storms Late Winter Storms
1996	Southern California Fires
1997	Central and Northern California Floods <sup>1</sup>

Each disaster wreaks unique damage on its victims. Yet, all share many commonalities. Survivors of any disaster need to:

- A. Protect their shelter and housing rights;
- B. Reestablish lost income and protect employment rights;
- C. Gain access to federal and state disaster assistance; and
- D. Maximize any private insurance.

To meet these needs many survivors require immediate legal information and advice to access federal programs that provide temporary relief to those faced with a loss of shelter, employment and other damage. Legal rights also need to be preserved. The timely delivery of legal services is a crucial component of disaster relief.

### **II. FEDERAL AND STATE EFFORTS**

---

**Information provided by Jaime Arteaga, Public Information Officer, Information and Public Affairs, Governor's Office of Emergency Services.**

#### **A. Federal Emergency Management Agency**

The Federal Emergency Management Agency (FEMA) is the federal government agency charged with coordinating disaster response, emergency planning, preparedness, mitigation and recovery through administration of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. § 5121 et seq. FEMA and the Stafford Act are activated when the President declares a federal disaster area at the request of the state's governor. FEMA then designates the county or counties eligible to receive assistance. The Stafford Act outlines the types of federal disaster assistance available to individuals and public entities. FEMA's national office is located in Washington, D.C. and operates 10 regional offices. Region IX includes California and is located in San Francisco (415-923-7100). (See Appendix A for useful telephone numbers after a disaster strikes; Appendix F for a list of the FEMA regional offices; Appendix G for a map of the FEMA regions.)

Disaster victims can apply to various disaster programs for individual assistance through a toll-free teleregistration or in person at a local Disaster Application Center (DAC), if applicable. FEMA may provide temporary assistance to individuals who have lost housing, income or property. It also provides crisis counseling and legal services.

FEMA also assists local governments and certain private non-profit organizations to restore public services including buildings, roads and other damaged infrastructure; in addition, it provides hazard mitigation assistance. This handbook will concentrate only on certain types of disaster assistance to individuals. FEMA is described in more detail in Sections 5, 6 and 7.

#### **B. California Office of Emergency Services**

The Governor's Office of Emergency Services (OES) is the California equivalent of FEMA and is based in Sacramento (916-262-1843). There are regional offices in California (see Appendix A, Important Telephone Numbers and Websites). OES administers the state's response to disasters and coordinates closely with FEMA after a presidential declaration of disaster. In general, it works with state and local governments to deal with public works and hazard mitigation projects.

### **III. PROVISION OF DISASTER LEGAL SERVICES**

#### **A. Authorization for and Definition of Legal Services**

As discussed earlier, the Stafford Act authorizes the provision of free legal services to low-income and other qualifying disaster victims. The Act defines legal services to include legal counseling and advice, referral to appropriate sources of disaster assistance, representation in non-fee-generating cases and, at the discretion of the FEMA Regional Director, referrals to other appropriate sources of legal aid. Appropriate legal services include:

1. Volunteer attorney staffing at local Disaster Application or Recovery Centers, if applicable;
2. Hotline telephone assistance and referrals;
3. Voluntary lawyer services for individual cases; and
4. Referrals to State Bar-certified lawyer referral services.

Examples of the most common legal issues that arise following a disaster include:

1. Tenants' rights and other housing matters;
2. Consumer protection matters;
3. Problems with insurance claims; and
4. Replacement of legal and other documents; and
5. Administrative appeals for denial of disaster assistance.

**B. Agreement between FEMA and the American Bar Association Young Lawyers Division To Provide Legal Services Nationwide**

Recognizing the critical need for immediate access to legal assistance for disaster survivors, FEMA entered into an agreement with the American Bar Association Young Lawyers Division (ABA YLD) in 1980 to establish the Disaster Legal Services Program. ABA YLD agrees to mobilize local attorneys to provide volunteer legal services to disaster victims when requested by the FEMA Regional Director. The original agreement was amended in July 1993 and a copy can be found at Appendix B. Depending on the capacity of the private bar in the disaster region, the ABA YLD may associate with the State Bar and/or local bar associations and their young lawyers or barristers sections to organize and provide disaster legal services.

As of the printing date of this publication, ABA YLD is in the process of reaching an agreement with the National Transportation Safety Board (NTSB) for the provision of legal information to families of passengers involved in aircraft accidents and monitoring unsolicited communications. These services would be provided under the Aviation Disaster Family Assistance Act of 1996 (Public Law No. 104-264, Title VII, October 9, 1996). For more information about the status of the agreement with NTSB, contact the ABA YLD at (312) 988-5608.

**C. ABA YLD Disaster Response Structure**

The ABA YLD has a Disaster Legal Services Committee that is responsible for performing YLD obligations under the agreement with FEMA. The committee includes a national Disaster Assistance Chair who is elected annually, and District Representatives throughout the country who are grouped in regions to closely approximate FEMA's. The Chair is the primary communication link between FEMA and local ABA YLD District Representatives. Pursuant to the agreement with FEMA, District Representatives are responsible for organizing and coordinating disaster legal services at the local level. They serve two-year terms and represent different geographic areas of the country. California has two representatives, one in Northern California and one in Southern California. To obtain the name of the current representatives, contact the staff administrator for California Young Lawyers Association at the State Bar of California at 415-561-8219.

**D. The State Bar of California: LAW-HELP-CALIFORNIA**

Staff from the Offices of Bar Relations and Legal Services at the State Bar of California help facilitate the provision of local disaster legal services in the State. The State Bar's disaster efforts are known as LAW-HELP-CALIFORNIA and services include:

1. **Fax network** providing up-to-date information about where survivors can apply for federal and state disaster assistance, training events for volunteer attorneys and various local legal services efforts that assist disaster victims;
2. **Facilitation and coordination of meetings and conference calls** of representatives from local bar associations and legal services providers to help coordinate their activities and services and to help prevent duplication of efforts; and
3. **Development and distribution of resource and training materials** to train volunteer attorneys and legal services advocates.

The State Bar also coordinates closely with the ABA YLD District Representatives to ensure that legal services reach disaster victims. Since 1989, the State Bar has assumed a significant coordination role working directly with local bar associations, young lawyers associations, legal services programs, pro bono programs and State Bar-certified lawyer referral services and providing technical assistance for disaster response. Following the 1995 floods which affected every county, the State Bar developed an MCLE training specific to floods that was videotaped

and sent to local lead agencies to train core groups of volunteers. The State Bar also set up and staffed a statewide toll-free hotline in cooperation with ABA YLD and FEMA. Staffers took brief intake information from callers and faxed intake forms to appropriate lead agencies for follow up by local volunteer attorneys.

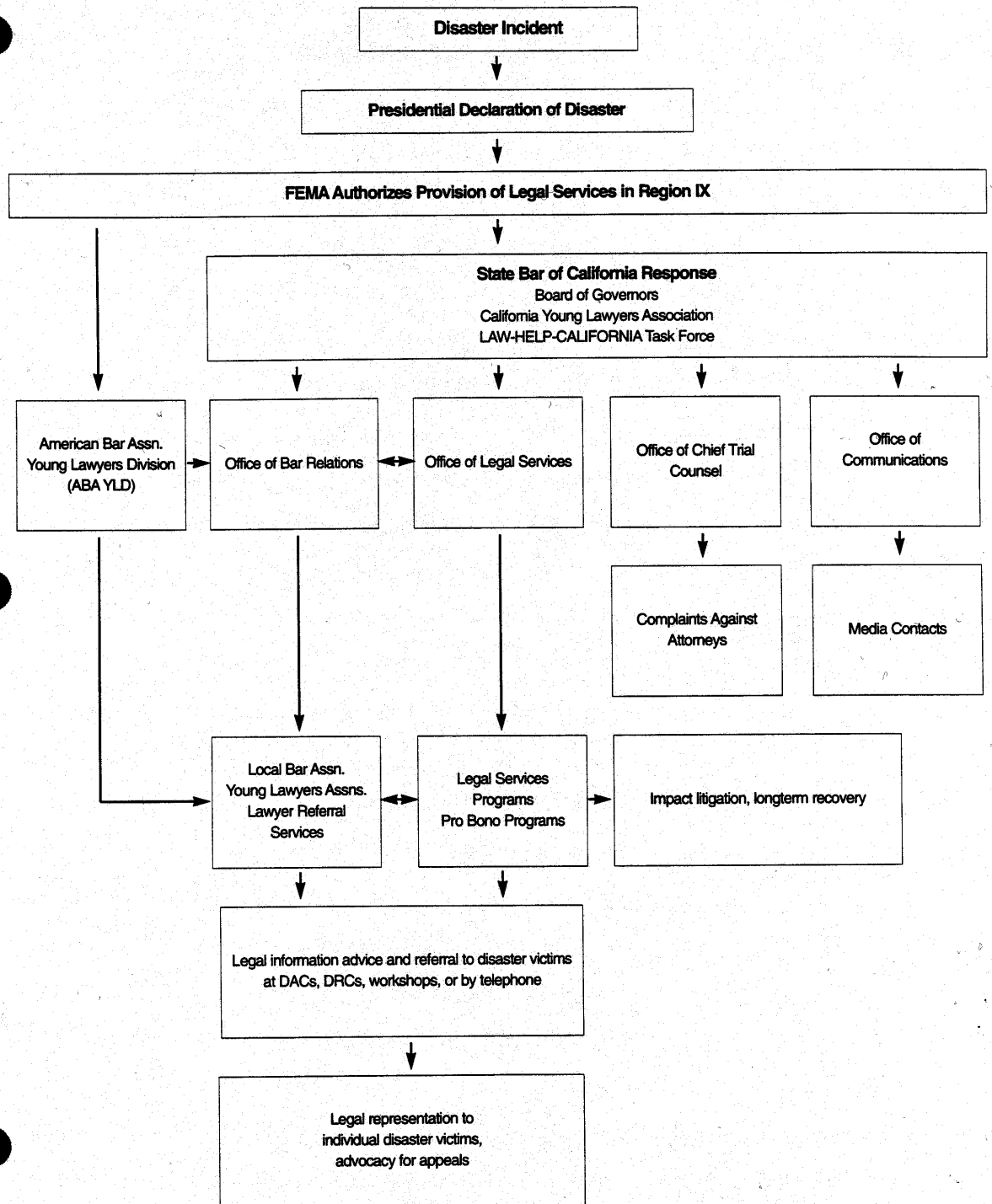
#### **E. Legal Services Providers**

In addition to bar associations and their young lawyers sections, legal services providers in the affected area are often the greatest source of legal expertise and services following a disaster. This is especially true if a disaster affects large numbers of low-income people.

Local bar associations and volunteers have different areas of expertise from local legal services programs. One path to effective delivery of disaster legal services is for the participating groups to divide responsibility among themselves (e.g., the local legal services program agrees to help with public benefits issues while the bar association's insurance experts address private insurance questions). More information about pre-disaster planning and post-disaster response follows. See chart that summarizes the provision of legal services at the end of this section.



## Legal Services for Disaster Survivors



## Section 3: PRE-DISASTER PLANNING

OVERVIEW .....	10
I. OBTAIN RESOURCE AND TRAINING MATERIALS.....	10
II. INSTITUTIONALIZE DISASTER PLANNING AT THE LOCAL BAR.....	10
A. Formation of a Disaster Committee .....	10
B. Committee Membership.....	11
C. Developing a Disaster Legal Services Response Plan .....	11
III. PREPARE FRAMEWORK FOR DISASTER LEGAL ASSISTANCE.....	12
A. Anticipating Levels of Immediate Volunteer Attorney Participation.....	12
1. Disaster Application Centers and Teleregistration .....	12
2. Disaster Recovery Centers.....	12
3. Hotlines.....	12
B. Recruitment and Training of Core Group of Volunteer Attorneys .....	12
C. Coordination with Legal Services Providers.....	13
D. Limitations on Federally Funded Legal Services Programs.....	13
IV. ANTICIPATE THE NEEDS OF SPECIAL POPULATIONS.....	13
A. Non-English Speakers and Cultural Issues .....	13
B. Disabled Persons .....	13
C. The Elderly.....	14



### **3 PRE-DISASTER PLANNING**

#### **OVERVIEW**

In the absence of a disaster, finding the motivation to prepare for a hypothetical event is difficult. Yet, in the midst of a disaster, the disruption makes organizing even more onerous. Local bars are encouraged to take a leadership role by making some preparatory steps to develop a disaster legal services response plan in coordination with other key participants in the legal community before the need actually arises. Local bars might consider institutionalizing disaster planning into bar activities by forming a standing committee on disaster legal assistance.

#### **I. OBTAIN RESOURCE AND TRAINING MATERIALS**

The **California Handbook for Disaster Legal Services** (Handbook) provides a summary of disaster assistance programs, as well as legal issues which confront survivors. The availability of relevant and updated training materials for volunteers is essential to getting legal services to disaster victims. In addition to the Handbook, several bar associations and legal services organizations both in California and in other disaster-ridden states have produced nationally recognized materials for use after disasters. A list of those publications can be found in the State Bar's list of titles from the Disaster Legal Services Library. See Appendix D. The materials are available through the Office of Legal Services.

#### **II. INSTITUTIONALIZE DISASTER PLANNING AT THE LOCAL BAR**

##### **A. Formation of a Disaster Committee**

Local bar associations in conjunction with their young lawyers or barristers section are encouraged to take the lead in disaster coordination. In most circumstances, a standing committee of the bar association will be of great assistance in both pre-disaster planning and post-disaster services. This is especially true for large urban bar associations. All bar associations should designate staff and/or volunteers to coordinate disaster assistance.

##### **B. Committee Membership**

In addition to the bar association and young lawyers/barristers section, the following entities should be represented on the committee because each has an important role in a disaster legal services response:

1. Minority, specialty and women's bar associations;
2. Legal services and pro bono programs;
3. State Bar-certified lawyer referral services;
4. Large law firms;
5. Law schools; and
6. Other entities that provide important linkages during a disaster.

From within the committee, a disaster volunteer coordinator should be selected. This position is key to a successful response. No matter how committed the members of a bar association may be in reacting to a disaster, coordination and knowledge of the disaster assistance system is crucial to ensuring an effective response. Please notify the State Bar of California Office of Bar Relations about formation of a committee and the name of the chair/contact person.

### **C. Developing a Disaster Legal Services Response Plan**

Having a written disaster response plan before disaster strikes is highly recommended. Given the frantic and chaotic state created by a disaster, advanced planning is crucial. Ideally, the plan should include the following:

1. Reference to the city or county disaster preparedness plan and how the legal services effort fits into that plan;
2. Current committee membership information which is updated as needed with the following:
  - a. Addresses -- Home, office and e-mail;
  - b. Phone numbers -- Home, office and cellular;
  - c. Fax number; and
  - d. Name, address and phone number of relative or close friend;
3. Selection of a disaster meeting site and alternate site(s) where the committee will convene immediately following a disaster and that can serve as headquarters;
4. Methods of communicating within and outside of the legal community after disaster strikes;
5. Availability of equipment and resources -- Identify valuable resources available in the community, especially from large law firms, such as:
  - a. Laptop computers, modems, online networks;
  - b. Language/translation resources;
  - c. Support staff and attorneys who can be "loaned" on a part- or full-time basis;
  - d. Conference rooms or other meeting space;
  - e. Photocopiers and Fax machines;
  - f. Telephone banks for volunteers; and
  - g. Videotaping equipment and facilities;
6. Core group of expert volunteer attorneys who can provide the first level of legal assistance (See "Prepare Framework for Disaster Legal Assistance" below);
7. Plans for recruitment and training of additional volunteers (See Section 4);
8. Arrangements for malpractice coverage (See Section 4);
9. Methods of delivering legal services with sensitivity to needs of special populations (See Section 4);
10. Designation of spokesperson who can handle media-related matters and be a liaison to the State Bar's statewide coordination efforts; and
11. Local referral and resource list (See Appendix A for telephone numbers).

The plan needs to be updated periodically and circulated to the committee members. Also, send a copy of the plan to the State Bar of California Office of Bar Relations. Be sure to have updated backup copies of the plan with accompanying resource materials in several secure places. A sample plan can be found at Appendix L.

It should be noted that preparing a disaster plan to respond to the legal needs of disaster victims is distinguished from developing an emergency preparedness plan. Information on preparing a law office for disaster can be found at Appendix D, under "Law Practice Management".

### **III. PREPARE FRAMEWORK FOR DISASTER LEGAL ASSISTANCE**

The disaster legal services plan will help lay the groundwork for providing legal services after disaster strikes. Changes to the plan will be determined by the nature and scope of the disaster. See Section 4.

#### **A. Anticipating Levels of Immediate Volunteer Attorney Participation**

##### **1. Disaster Application Centers and Teleregistration**

In disasters that occurred before 1995, FEMA frequently set up Disaster Application Centers (DACs), where disaster victims would apply for FEMA and other government disaster assistance programs or gather information about other types of assistance. Volunteer lawyers would be stationed at the DACs to provide legal assistance. FEMA now relies principally on teleregistration and DACs are implemented as a last resort for in-person registration only if teleregistration is impossible or impractical.

##### **2. Disaster Recovery Centers**

FEMA in conjunction with OES may establish Disaster Recovery Centers (DRCs) in disaster areas to provide information to disaster victims who have already submitted an application through teleregistration. Representatives from FEMA, OES, other federal, state, and local government agencies and volunteer agencies may be available to provide information and assistance, including volunteer attorneys from local legal services providers who can provide legal assistance.

##### **3. Hotlines**

Disaster hotlines are usually the first level of disaster legal services, where volunteer attorneys provide brief information, advice and referral. If DACs or DRCs are established, hotlines may coexist with legal assistance provided on site or stand alone. The second level of legal assistance is direct representation of disaster victims who require more in-depth assistance from an attorney or, alternatively, pro per advice. Representation or pro per assistance may also be needed for appealing of FEMA (or other governmental agency) decisions or to assist with recertification for continued assistance. These services can be coordinated in cooperation with existing State Bar-certified lawyer referral services and local legal services providers.

More detailed information about hotlines and different stages of volunteer participation can be found in Section 4.

#### **B. Recruitment and Training of Core Group of Volunteer Attorneys**

Preliminary plans for volunteer recruitment and utilization can be set forth in preparation for a disaster and implemented after disaster strikes. See Section 4. Consider recruiting attorneys from practice areas described in Section 13. Other attorneys can be trained in government disaster assistance programs described in Sections 7-12. Ideally, this core group of attorneys can provide direct legal assistance at the DACs, DRCs, or on the hotline, serve as trainers and mentors for attorneys newly recruited after a disaster and review the intake procedures and quality of legal services provided. For more information about developing recruitment efforts, see Page 1-2 for State Bar contacts. Samples can be found at Appendix L. More information on training can be found in Section 4. Also note that with appropriate attorney supervision, law students and paralegals are good sources of volunteers for purposes of intake, research and writing, etc.

### **C. Coordination with Legal Services Providers**

It is very important to coordinate planning efforts with the federally-funded legal services program, pro bono programs, State Bar-certified lawyer referral services and other independent legal services programs in the community. Each organization will play a key role in the delivery of legal services to disaster victims, depending on a number of considerations such as the areas of expertise, availability of staff and volunteer resources, restrictions on service delivery based on income, immigration status and/or geographic requirements. Coordination of efforts early on will maximize resources, prevent duplication of efforts and ultimately better serve disaster victims.

### **D. Limitations on Federally Funded Legal Services Programs**

In 1996, Congress imposed certain restrictions on the services that LSC-funded programs can provide. For more information about LSC restrictions, contact the Public Interest Clearinghouse at 415-255-1714 or the Center for Law and Social Policy (CLASP) at 202-328-5140.

## **IV. ANTICIPATE THE NEEDS OF SPECIAL POPULATIONS**

Planning efforts need to take into consideration the needs of sectors of the community which may face unique problems.

### **A. Non-English Speakers and Cultural Issues**

While there are a number of barriers to accessing services, language barriers are the most common. No amount of preparation or level of training will compensate in situations where volunteers cannot communicate with survivors. Cultural values may also keep survivors from exercising their legal rights.

Disaster planning should take into consideration the language and cultural diversity in the community. The most effective manner of accomplishing this task is building relationships with local ethnic or minority bar associations that have members with relevant language skills and cultural knowledge. If bilingual and bicultural attorneys are not available for a language or ethnic group, it is important to know which local social service providers have needed language skills and cultural sensitivity among their staffs or volunteers. Churches, family associations and other community-based organizations also provide essential linkages during a disaster. Many materials are available in languages other than English. Others may need to be translated. See Section 13E.

### **B. Disabled Persons**

Many persons with particular disabilities alter their homes or vehicles to compensate for their disabilities. When a disaster destroys these homes or vehicles, the owners face complex problems in replacing them. Even temporary shelter can be a problem. If FEMA establishes DACs or DRCs, disabled persons may experience difficulties going to the sites, or the sites may be inaccessible. When FEMA establishes teleregistration lines, FEMA sets up TDD lines. (TDD lines assist people who are hearing impaired.) There may be no sign interpreter present when a deaf person comes to a site. Establishing cooperative relationships with groups that deal with the sight or hearing impaired can assist a local bar association in reaching these persons. Each community has a broad range of disability advocates who can assist lawyers. Disability advocates can also provide expertise on the Americans with Disabilities Act.

### **C.       The Elderly**

Elderly residents are often vulnerable and the target of legal scams such as home equity fraud. They frequently live in mobile homes or substandard houses which are more prone to suffer damage during a disaster. Legal experts in elder law or lawyers who provide assistance under the Older Americans Act can provide the expertise to deal with Medicare questions, estates and trusts issues, consumer fraud and housing issues.

## Section 4: RESPONDING TO THE DISASTER

I.	NATURE AND SCOPE OF DISASTER ARE IMPORTANT FACTORS .....	16
II.	INITIAL COMMUNICATIONS .....	16
III.	VOLUNTEER ATTORNEY RECRUITMENT .....	16
	A. Needs and Resources Assessment.....	16
	B. Coordination of Efforts .....	17
	C. Volunteer Assistance Where the Need Is .....	17
	D. Training Opportunities .....	17
	E. Stages of Volunteer Attorney Involvement.....	17
	F. Reimbursement from FEMA.....	17
	G. Funding Considerations .....	18
IV.	SERVICE DELIVERY MODELS .....	18
	A. Brief Legal Information and Advice .....	18
	1. Telephone Hotline .....	18
	2. Disaster Recovery Centers (DRCs) .....	19
	3. Community Sites .....	19
	4. Media .....	19
	B. Direct Representation.....	19
	C. Impact Work .....	20
	D. Long Term Recovery .....	20
V.	QUALITY CONTROL MECHANISMS .....	21
	A. Training and Support .....	21
	B. Intake, Screening and Tracking.....	21
	C. Evaluation .....	22
	D. Referrals to Experts.....	22
	1. State Bar-Certified Lawyer Referral Services.....	22
	2. Legal Services and Pro Bono Programs.....	22
	E. Malpractice Insurance .....	22
	1. Malpractice Coverage Generally Available through Established Legal Services Providers and Local Bar Associations.....	22
	2. No "Good Samaritan" Protection.....	23
VI.	ETHICAL CONSIDERATIONS .....	23
	A. Attorney-Client Relationship .....	23
	B. Solicitation and Charging Fees Prohibited.....	23
	C. Duty To Act Competently.....	23
	1. Applies to Pro Bono Services .....	24
	2. Ensuring that Competent Advice Is Delivered .....	25
	3. Prohibition Against Advising Disaster Survivors About How To Sue the Government .....	25
	D. Confidentiality .....	25
	E. Limiting Liability .....	26
	F. Conflicts of Interest.....	26
	G. Unauthorized Practice .....	26
	H. Consultation with State Bar Ethics Hotline.....	26

## **4 RESPONDING TO THE DISASTER**

### **I. NATURE AND SCOPE OF DISASTER ARE IMPORTANT FACTORS**

During a disaster, even the smallest bar associations can make a difference in their community. The type and scope of the disaster provides the parameters for bar association response. For example, a wild fire which was concentrated in one rural county destroyed an identifiable number of homes and businesses. It did not have regional impact. The local bar president contacted the local legal aid office and 10 volunteer attorneys who then addressed insurance, real property, temporary housing assistance, food stamp and consumer fraud issues. The bar association sponsored legal workshops and gave individual consultations in conjunction with local businesses and social service providers. The bar also set up a special phone panel to handle queries from individuals who could not attend the workshops. The bar's involvement lasted several weeks.

On the other hand, a large earthquake like the Northridge trembler in 1994 necessitated a massive response. The scope of the destruction, the number of people affected and the amount of damage (\$20 billion) made the task of providing services extraordinarily difficult. Numerous bar associations and legal services providers coordinated the legal effort. The resulting multifaceted approach ensured that the greatest number of survivors received legal assistance at no cost.

### **II. INITIAL COMMUNICATIONS**

Following a federal disaster declaration, the designated lead bar association must contact the appropriate parties for instructions and coordination assistance. Now is the time that pre-disaster planning pays off. A safe, centralized base of operation must be established immediately. The location should have photocopying equipment, telephone banks and meeting space. The disaster legal assistance committee chair should begin to implement the disaster legal services response plan. If no plan is in place, refer to the State Bar contacts in Section 1.

Maintaining a local communications network and linking with the statewide network is crucial. The State Bar Office of Legal Services and Bar Relations will be in regular communication with American Bar Association Young Lawyers Division (ABA YLD) and the Federal Emergency Management Agency (FEMA) after a federal disaster has been declared to coordinate the dissemination of information such as the date of the disaster declaration, location of Disaster Application Centers (DACs) if applicable, teleregistration number, helpline phone numbers, location of Disaster Recovery Centers (DRCs) etc. The State Bar staff maintains accurate and current contacts to assist local bar leaders in communicating with essential disaster parties.

### **III. VOLUNTEER ATTORNEY RECRUITMENT**

Volunteer recruitment is key to a successful disaster effort. The bar association's original volunteer committee and the volunteer list becomes the basis for a person-to-person recruitment chain. The willingness to volunteer often rapidly declines after the initial reaction to a disaster leaves the area's television screens. Attorneys should be recruited from a wide range of practice areas. Summaries of the most common legal areas that get triggered after a disaster can be found at Section 13. Sample recruitment materials can be found at Appendix L

#### **A. Needs and Resources Assessment**

An initial assessment of the community will help determine the nature and extent of damage caused by the disaster. This information will be useful in shaping recruitment and training efforts. If previous disasters have hit the same community, it is important to compare and contrast the similarities and differences. This manual cannot emphasize enough the need to know the local population and any special needs.

## **B. Coordination of Efforts**

There are several major legal partners in a disaster effort. They include the local barristers group/young lawyers association, the local specialty, minority and women's bar associations, pro bono programs, local legal services programs and State Bar-certified lawyer referral services. Coordination among them is most effective when efforts are centralized at the staffing level of a local bar association, legal aid program or pro bono program. A staff coordinator can make decisions about how responsibility will be divided and how referrals will be handled. In the absence of a staff coordinator, a volunteer coordinator with sufficient backup support may be appropriate.

## **C. Volunteer Assistance Where the Need Is**

Getting volunteers to the most affected disaster areas can be a problem in widespread disasters. Bar associations must make sure that volunteers are evenly distributed if there are multiple sites where legal assistance will be provided. Volunteers must go to locations which meet the needs of clients and not the convenience of volunteers. While volunteers prefer to provide services in their own neighborhood, it is the responsibility of the local bar to get services into all affected neighborhoods. If attorneys are avoiding certain sites where there is great need, then consider assigning attorneys so they are distributed in an equitable fashion.

## **D. Training Opportunities**

Offering a live disaster assistance training with MCLE credit is an effective recruitment device. Training is also an important quality control tool. If possible, videotape the training for loan to individual attorneys who cannot attend the live session. The **California Handbook for Disaster Legal Services** can be localized for use as a training resource. Given the number of disasters in California, there is a core group of attorneys experienced in various aspects of disaster assistance who may be available to assist with training. Contact the State Bar's Office of Legal Services at 1-800-628-4858 or 415-561-8800 for more information about the names of potential trainers and training materials. The Office of Legal Services maintains a library of materials from past disasters organized by subject matter and disaster type that includes training resources. See Appendix D. Lists of training resources are also maintained. More information about training and support is provided later in this section.

## **E. Stages of Volunteer Attorney Involvement**

Based on previous experience, different stages of legal needs will arise and recruitment efforts can be staggered to ensure volunteer attorney participation at all stages. These stages are:

1. Initial brief legal information/advice (in person or by phone);
2. Direct representation for more complex legal issues;
3. Advocacy for appealing denials of assistance by disaster assistance agencies or establishing recertification;
4. Impact litigation; and
5. Long-term recovery.

More information about service delivery models is provided later in this section.

## **F. Reimbursement from FEMA**

Under the agreement between FEMA and ABA YLD, bar associations and other organizations coordinated by the ABA YLD to provide legal services may receive, with express prior authorization, reimbursement for "reasonable administrative expenses, including office space and supplies...." See Appendix B. Organizations must retain receipts for all expenses incurred to recruit and train volunteer attorneys who will assist local disaster victims. Examples of ordinary



expenses that have been reimbursed in previous disasters include postage, photocopying, telephone calls and cost of faxing.

The cost of existing staff time is not reimbursable. However, in rare situations, FEMA may approve in advance reasonable anticipated costs for additional staffing and other extraordinary expenses.

The ABA YLD District Representative coordinates the local reimbursement process. There are two representatives in California -- one for Northern California and one for Southern California. The appropriate district representative forwards requests for anticipated expenditures and reimbursement to the national Disaster Assistance Chair and the Chair forwards the requests to FEMA. All questions regarding reimbursement should be directed to the District Representative, unless notified otherwise for a particular disaster. Call the California Young Lawyers Association Staff Administrator at the State Bar, 415-561-8219, for the names of the current district representatives.

#### **G. Funding Considerations**

Launching a disaster legal services effort after disaster strikes will have a budgetary impact. Even if some expenses may be reimbursed by FEMA, undoubtedly there will be unbudgeted costs. Local community foundations, private foundations, corporate foundations, bar foundations and large law firms may consider providing emergency funding and/or in-kind donations for disaster legal assistance, especially where the legal community is working in a coordinated fashion. For more information about potential funding sources, contact the State Bar Program Development Unit at 1-800-628-4858.

Legal services providers should consider reviewing all funding sources for restrictions on assisting disaster victims (e.g., immigration status, financial eligibility). Interest On Lawyers's Trust Accounts (IOLTA)-funded programs in California that have questions about the State Bar Legal Services Trust Fund Program can call 415-561-8252 to speak with staff. In addition, federally funded legal services programs that suffer damage or have additional needs as a result of a disaster should contact the Legal Services Corporation and/or other project directors who have experienced disasters for information about supplemental appropriations.

### **IV. SERVICE DELIVERY MODELS**

Volunteers can be recruited to participate at all stages of delivering legal services to disaster victims and can be utilized in the various methods of service delivery.

#### **A. Brief Legal Information and Advice**

The nature of the disaster and the local population will often dictate which types of legal assistance will be appropriate. Identifying lead agencies to coordinate local or regional disaster legal services efforts will facilitate service delivery. More information about DRCs can be found in Section 5.

##### **1. Telephone Hotline**

The local bar association may choose to establish a parallel phone-based system for its provision of legal services, such as using a local or regional hotline. Hotlines have been used effectively in previous disasters. Typically, a hotline may be staffed during specific hours with volunteer attorneys. A more convenient model for attorneys is to have a lead agency such as the bar association forward intake forms to them describing the legal problem taken by a temporary intake worker (e.g., law student). The attorneys can then make follow up calls to disaster victims from their own offices. In either situation, trained attorneys are needed to monitor the quality of legal services provided. (Note that prior authorization for reimbursement must be obtained from FEMA through ABA YLD to set up a hotline and hire temporary workers to staff the hotline.) In the

event of a widespread disaster, the local bar lead agency could feed into a regional or statewide toll-free hotline that the ABA YLD can establish anywhere in the United States. See Appendix L for sample hotline materials.

## **2. Disaster Recovery Centers (DRCs)**

DRCs are temporary facilities housed in a variety of temporary settings. Tables are set up to provide information to disaster victims who have already filed an application through FEMA's teleregistration about assistance available at federal, state and local levels, including legal services. Volunteer attorneys are needed to staff the disaster legal services table if DRCs are established. The table should be well-stocked with training and resource materials and a telephone so that volunteers will have access to backup support if needed. There should also be a large sign so that disaster victims will know that legal assistance is available. (Tip: Request reimbursement in advance for the telephone and signboard from FEMA via the ABA YLD District Representative.) If the table cannot be staffed during all hours the DRCs are open, there should be a sign stating the days and times legal assistance will be available.

Another option is to have intake forms available. Disaster victims can be instructed to complete a form and arrangements can be made for the DRC coordinator to fax it to a designated lead agency for referral to a volunteer attorney. See Appendix L for sample form. Also, if a legal hotline is in operation, the phone number should be displayed prominently.

## **3. Community Sites**

Providing legal assistance or educational workshops on a regularly-scheduled basis at homeless shelters, soup kitchens, schools, churches, community centers or other sites where disaster survivors may gather is appropriate, whether assistance is provided on an individual basis or in a group setting.

## **4. Media**

Consider using both broadcast and print media to reach a broader range of disaster victims, especially special populations. Broadcasting information about federal disaster assistance programs and legal rights of disaster victims on local English-speaking and foreign language cable television or radio may be very effective in certain communities, especially where there are significant numbers of people who are homebound or limited/non-English speaking. Also, legal resource and information articles in major newspapers as well as small community and foreign language newspapers are effective. FEMA can help publicize the availability of legal services, especially the toll-free hotline, through its media network.

## **B. Direct Representation**

Individual clients frequently need attorneys to help them with individual cases (e.g., A senior may need an attorney to sue a contractor who failed to provide a new roof for her home or a tenant may need help with an eviction). Clients may also need attorneys to assist them with filing appeals to the disaster relief agencies if they were denied assistance or with establishing recertification for further assistance. Pro bono programs and legal services programs may be able to represent disaster victims, depending upon their income level and immigration status, for individual claims and appeals for denial of disaster assistance. Others may be able to obtain representation through a State Bar-certified lawyer referral services. Please note that attorneys providing brief legal information and advice under the FEMA/ABA YLD agreement are prohibited from accepting fees. Fee-generating cases should be referred to a State Bar-certified lawyer referral service (see discussion later in this section.)

### **C. Impact Work**

A separate panel of volunteer attorneys may be needed to provide legal assistance in class actions or other impact work on behalf of disaster victims because other groups of attorneys are unable to handle such matters. For example, in situations where the defendant is a government agency, attorneys operating under the FEMA/ABA YLD agreement are prohibited from initiating or advising disaster victims to initiate litigation against the government to obtain disaster assistance. See Appendix B, fourth paragraph. There are some limits with respect to certain forms of administrative and legislative advocacy.

### **D. Long Term Recovery**

Developing strategies for long term recovery and rebuilding is a very large challenge that needs to be addressed after a disaster strikes. The initial step is prioritizing problems that will need long term solutions. This requires looking beyond emergency needs and attempting to understand the larger picture in the community. Ideally, advocates should be engaging in this type of priority-setting exercise even before a disaster strikes. For example, in a legal services practice with a high unemployment rate, the first level of advocacy is representation of individual clients in administrative and judicial hearings and the second level is helping the community deal with the pressing employment problem.

Too often, this second level of advocacy is neglected. Head, James W., "Responding to Los Angeles: The Challenge of Legal Services Programs", Clearinghouse Review, August 1992. After a disaster strikes, the needs of the community are magnified. There is an even greater need to engage in long term planning and to focus attention towards issues such as employment and housing development. Below is a practical example of housing development advocacy and some specific examples of post-disaster long recovery issues.

There was a shortage of low-income housing in the San Francisco Bay Area even before the Loma Prieta earthquake struck in 1989. The earthquake greatly exacerbated the problem. Advocates worked hard to preserve the low-income housing stock in the San Francisco Bay area after the Loma Prieta earthquake. Congressional hearings were held in San Francisco and Watsonville to evaluate federal disaster response efforts. The hearings were instrumental in focusing House and Senate attention to the serious housing situation. As a result of the hearings and lobbying from advocates, federal legislation authorized the Department of Housing and Urban Development (HUD) to allocate an additional \$25 million from a special Community Development Block Grant emergency relief fund to counties hardest hit by the earthquake. The funds were allocated in block grant form for the rehabilitation and replacement of very low-income housing units.

Experienced advocates who participated in disaster recovery work following the Los Angeles civil unrest and the Northridge earthquake offer the following suggestions for volunteer attorney participation in long term recovery efforts:

1. Develop outreach strategies to inform the public about the appeal rights under the various disaster assistance programs.
2. Include disaster legal issues in ongoing outreach and education efforts.
3. Educate nonprofit organizations regarding disaster-related lease obligations and insurance policy restrictions.
4. Monitor changes in FEMA regulations regarding individuals and nonprofits as well as other federal regulations impacting disaster victims (e.g., immigration).
5. Monitor the new State law that establishes the California Earthquake Authority, emphasizing the parts of the law that establish insurance and hazard mitigation funds.
6. Maintain ties with FEMA officials.
7. Advocate for continued HUD support following a disaster (e.g., emergency Section 8 housing certificates).
8. Be aware that the Department of Commerce, particularly the Economic Development Administration, may provide funding to aid with long term recovery efforts.
9. Advocate for consumer protection initiatives.

10. Pursue clarification of FEMA's application of regulations regarding the eligibility of certain nonprofits for disaster grants (e.g. affordable housing providers).

For information about community economic development in the aftermath of disasters, see the following publications: Hixson, K., "Four Years of Recovery: Looking Back, Moving Forward," *Turning Point Magazine* (of, by and for Southern California African Americans), May-June-July 1996 (310-821-6910); Priorities and Proposals for Community Economic Development in Los Angeles, The Coalition for Urban Renewal Efforts (CURE), December 1994, Public Counsel (213-385-2977); Head, James W., "Responding to Los Angeles: The Challenge of Legal Services Programs", *Clearinghouse Review*, August 1992; and To Rebuild is Not Enough: Final Report and Recommendations of the Assembly Special Committee on the Los Angeles Crisis, September 28, 1992, Assembly Publications Office, State Capitol, Box 942849, Sacramento, CA 94249-0001.

## V.

### QUALITY CONTROL MECHANISMS

Since it is possible that the bar association may be dispatching large numbers of hastily trained volunteers to a number of sites, it is important to consider quality control methods. Most of these points can be stressed effectively during training sessions. A discussion about ethical considerations, including the "Duty to Act Competently," can be found later in this section.

#### A. Training and Support

A well-delivered training program, thorough written materials and the availability of knowledgeable individuals to provide backup support should be provided to volunteers. This Handbook can be a valuable resource for developing a training. All substantive information in this Handbook should be updated and localized by experienced volunteer attorneys [please note that the Handbook is available on diskette (WordPerfect 5.1)]. After a large disaster, special legislation and ordinances, court rules, laws or regulations may be enacted at the local and/or state level. It is important to collect such information for inclusion in the disaster legal services training. For example, after the 1989 Loma Prieta earthquake and the 1994 Northridge earthquake, the California Judicial Council adopted emergency rules which extended appellate court filing deadlines. After the 1992 civil disturbances in Los Angeles, the State legislature passed a bill requiring municipal courts in the county of Los Angeles to make certain allowances and set aside default judgements entered within a specified time period for defendants in unlawful detainer (eviction) actions.

A general disaster legal services training or a second training on appeals would be enhanced by involving representatives from government agencies that administer different disaster assistance programs, such as the Federal Emergency Management Agency, Small Business Administration, Employment Development Department, Department of Social Services and Department of Insurance. The Public Information Office for each agency may be able to identify speakers to participate in a live training.

It is also important to include in the disaster training sensitization to the emotional and psychological condition of the disaster victims. Professionals from the local community mental health system may be available to assist in this aspect of the training.

#### B. Intake, Screening and Tracking

User-friendly intake forms are needed so that essential information is gathered (See Appendix L). Recording the number, type and disposition of cases will be helpful for the ABA YLD District Representative who must provide case summary reports to FEMA. Also, tracking the nature of legal assistance provided by a review committee is necessary to ensure that quality service is being given in a timely manner and to identify problems that may arise.

### **C. Evaluation**

It is critical that the legal work of volunteers be monitored to help ensure quality services are rendered to all disaster victims irrespective of their income level. A client satisfaction sheet can document problems. Bar associations may also mail client satisfaction forms to a random number of persons.

Maintaining volunteer satisfaction is also very important. Disasters are very stressful situations. Some attorneys may spend long hours on hotlines, in DRCs, or handling difficult legal problems on an individual basis. The coordinator should ask volunteers if they have suggestions to improve disaster legal services. This can be done with a written questionnaire or a short telephone interview. Ongoing evaluation by a review committee would help to ensure that quality legal services are being delivered.

### **D. Referrals to Experts**

When a volunteer establishes that a client needs an attorney with more specialized experience, s/he can look to referral sources in the legal community.

#### **1. State Bar-Certified Lawyer Referral Services**

The local State Bar-certified lawyer referral services (LRS) may identify attorneys experienced in particular areas of law. The LRS may waive a referral fee for disaster survivors; however, the individual must be informed that there may be a fee charged for particular services (e.g., a small business owner who wants to sue a supplier for exorbitant charges). To obtain a current list of certified lawyer referral services, contact the Lawyer Referral Service Certification Program at the State Bar Office of Bar Relations at (415) 561-8250.

#### **2. Legal Services and Pro Bono Programs**

Low-income clients may need assistance with housing problems or public benefits. Volunteers should be aware of income eligibility guidelines used by legal services and pro bono programs. The State Bar Office of Legal Services has a Directory of Legal Programs in California which lists all the pro bono and local legal services offices by county. To obtain a current listing for your community, call 1-800-628-4858 or 415-561-8800.

### **E. Malpractice Insurance**

#### **1. Malpractice Coverage Generally Available through Established Legal Services Providers and Local Bar Associations**

There is no independent coverage for malpractice that arises out of legal advice given by volunteers after a disaster. Attorneys who work through a local pro bono program with insurance are covered for the advice they provide. However, they must check with the local program to determine coverage. Most local legal services programs and bar associations which administer pro bono efforts maintain insurance for their volunteers. Attorneys should check with their own insurer if they are not participating as part of a local legal aid or pro bono program.

The agreement between ABA YLD and FEMA does not include coverage for acts of malpractice during a disaster.

## **2. No "Good Samaritan" Protection**

There is no "Good Samaritan" legislation in California to protect volunteer attorneys providing legal services to disaster victims. (The State of Florida is one example of a state which has adopted Good Samaritan legislation.) As mentioned above, attorneys who volunteer through a local legal services program, pro bono program or bar association may be covered by that organization's malpractice insurance policy.

# **VI.**

## **ETHICAL CONSIDERATIONS**

### **A. Attorney-Client Relationship**

Pro bono disaster legal assistance is generally provided in two forms: (1) Educational information of a general nature and (2) Legal analysis and assistance tailored to the specific needs of identifiable individuals.

The former is educational public service activity and does not constitute the practice of law as long as the information is not specifically tailored to address individual legal needs. When an attorney provides such general information, however, the attorney may be held to a higher standard than non-attorneys. See Libarian v. State Bar (1943) 21 Cal.2d 862, 865, where it was observed that a licensed attorney should conform to the standards of an attorney in whatever capacity he or she may be acting in a particular matter.

When legal information and analysis is provided to specific individuals based on their individualized needs, even when provided informally and pro bono, the practice of law is involved and the duties of the attorney-client relationship attach. See, e.g., Beery v. City of Los Angeles (1987) 43 Cal.3d 802, 811; Miller v. Metzinger (1979) 91 Cal.App.3d 31, 40.

Thus, when an attorney provides advice and assistance to disaster survivors, it is advisable to conform to the duties and responsibilities of the attorney-client relationship. It is important for attorneys advising disaster survivors to ensure that the scope of the advice and assistance being provided and applicable limitations are clear. It should be made clear whether the attorney is providing general information and no individual assistance; is providing individual assistance but intends that no further advice or follow-up will be provided; or is providing advice in certain areas to the exclusion of others. If there is specialized assistance that the disaster victim needs beyond the scope of what that attorney is offering, that also should be addressed.

If an attorney participant undertakes more extended individual representation of a disaster client, that representation should continue to be on a pro bono basis and no fees should be charged. Charging a fee in such a circumstance renders the attorney's conduct subject to the allegation of improper solicitation. It is also contrary to the agreement between FEMA and the ABA YLD which governs most pro bono disaster legal assistance programs sponsored by bar associations and legal services entities.

### **B. Solicitation and Charging Fees Prohibited**

While providing disaster pro bono assistance, business development is inappropriate. The purpose of disaster assistance is for participating attorneys to advise disaster survivors at no charge by providing limited information, advice and assistance. It is inappropriate for participating attorneys to use the disaster assistance program as a marketing opportunity to refer disaster business to themselves or colleagues for pecuniary gain.

Under the FEMA/ABA YLD agreement, participating attorneys are prohibited from accepting fees for the advice and assistance they provide. See Appendix B, Paragraph 5.

Additionally, in-person solicitation of individuals in a crisis situation for the pecuniary gain of the attorney may constitute a disciplinary offense under California Rule of Professional Conduct 1-400 which regulates attorney advertising and solicitation. Also, State Bar Formal Opinion 1995-144 discusses the impropriety of attorneys soliciting business at a disaster site prior to having been retained by any client related to the disaster.

The State Bar's Office of the Chief Trial Counsel is on alert during disasters to investigate potential attorney abuses, inform the public how to find qualified legal assistance and how to report improper attorney solicitation. (See Appendix H for a sample Notice to the Public and Information Regarding the State Bar's Disaster Response Plan.)

Where attorneys have directly solicited disaster survivors in the hope of generating legal business for the attorney's pecuniary gain, discipline has been imposed and upheld by the courts. See, e.g., Ohralik v. Ohio State Bar Association, 436 U.S. 447, 98 S.Ct. 1912 (1978); Florida Bar v. Went For It, Inc., 115 S.Ct. 2371, 132 L.3d.2d 541 (1995). Complaints against attorneys for improper solicitation can be filed by calling the State Bar's Complaint Intake Line at 1-800-843-9053.

## **C. Duty To Act Competently**

### **1. Applies to Pro Bono Services**

The duty to act competently is a disciplinary duty as well as a civil duty. Failure to meet the appropriate standard can give rise to disciplinary liability as well as civil malpractice liability.

The duty to perform competently applies fully to pro bono services. An attorney must perform such legal services with diligence, learning and skill, and the mental, emotional and physical ability reasonably necessary to the tasks involved (See Rule 3-110, Rules of Professional Conduct). The duty to act competently also includes the duty to supervise the work of subordinate attorneys and non-attorneys. See, e.g., Trousil v. State Bar (1985) 38 Cal.3d 337, 342; Palomo v. State Bar (1984) 36 Cal.3d 785, 795-96; Gadda v. State Bar (1990) 50 Cal.3d 344; see also "Discussion" to Rule 3-310.

### **2. Ensuring that Competent Advice Is Delivered**

Because of the civil and disciplinary ramifications of performing competently, attorneys providing disaster legal assistance, as well as the legal service providers and bar associations sponsoring such services, should ensure that the appropriate level of performance is maintained and that appropriate documentation exists with respect to the services provided. Individuals receiving advice should be treated as clients. Files should be maintained on each matter recording the advice and assistance given, consistent with the standards applicable to any attorney-client relationship.

Attorney participants are intended to be available to answer basic questions and provide emergency assistance and are not expected to take on extended, in-depth representation. It is not unusual for participating attorneys not to be experts in the particular areas on which they are being consulted. It is, therefore, important for participating attorneys to limit their advice and assistance to the areas in which they have appropriate skill and knowledge. Attorneys should inform disaster clients of the limitations on the attorneys' advice.

Attorneys need to take particular care in this area because recent cases have held that an attorney is liable not only for the advice given on issues within the attorney's expertise, but for advice which should have been given on matters which were specifically excluded from the attorney's scope of representation. As observed in Nichols v. Keller (1993) 15 Cal.App.4th 1672, 1683-84:

Not only should an attorney furnish advice when requested, but he or she should also volunteer opinions when necessary to further the client's objectives. The attorney need not advise and caution every possible alternative, but only of those that may result in adverse consequences if not considered.

\*\*\*\*\*

... [E]ven when a retention is expressly limited, the attorney may still have a duty to alert the client to legal problems which are reasonably apparent, even though they fall outside the scope of representation. The rationale is that, as between the lay client and the attorney, the latter is more qualified to recognize and analyze the client's legal needs. The attorney need not represent the client on such matters. Nevertheless, the attorney should inform the client of the limitations of the attorney's representation and of the possible need for other counsel.

Under this standard, an attorney is liable if the attorney should have foreseen a contingency and failed to warn or advise the client regarding it even though it may lay outside the scope of representation and expertise of the attorney in question.

Thus, it is advisable for those sponsoring disaster assistance programs, such as bar associations and legal service providers, to provide preliminary training to attorneys participating and to have available experienced attorneys on the subjects that most often arise in disaster circumstances so that guidance can be provided to participating attorneys on an attorney-to-attorney basis.

Attorney participants should also strive to recognize when they have reached the limits of their experience and when to seek more specialized expertise and/or formally refer clients to more experienced legal experts through the procedures of the FEMA/ABA YLD agreement and/or sponsoring entity.

Errors and omissions insurance coverage is not provided under the FEMA/ABA YLD agreement. It can be available through sponsoring bar associations and legal service entities. Otherwise each participating attorney should check with his/her own carrier to determine the extent to which pro bono disaster assistance is covered. (See Paragraph V.E., Malpractice Insurance, above.)

### **3. Prohibition Against Advising Disaster Survivors About How To Sue the Government**

If attorneys are offering services pursuant to the FEMA/ABA YLD agreement, they must abide by the restrictions contained in the agreement on the advice that can be given. Under the agreement, attorneys cannot advise disaster survivors about how to bring lawsuits against the government or initiate a lawsuit against the government to obtain disaster assistance. See Appendix B, fourth paragraph.

Disclosure should be made to clients that participating attorneys cannot provide assistance or advice on this subject. Clients should be advised to seek advice elsewhere if they appear to have meritorious claims involving the government.

### **D. Confidentiality**

Business and Professions Code § 6068(e) states that an attorney shall "maintain inviolate the confidence and at every peril to himself or herself, preserve the secrets, of his or her client." In addition, the attorney-client privilege applies to communications between attorney and client which the client reasonably believes to be confidential. See Evidence Code § 950 et seq.

Participating attorneys should assure that communications with disaster survivors are protected by confidentiality at the time they occur and thereafter. Care should be taken to assure that the physical set-up and surroundings where disaster assistance is provided preserves confidentiality.



The information gathered should be maintained in a file or other format which allows for confidentiality. If disaster assistance is provided in a group situation where more than one disaster victim is present, particular caution should be taken to avoid the inadvertent waiver of confidentiality.

#### **E. Limiting Liability**

Even though the scope of representation may be limited by an attorney, the liability of an attorney giving advice, cannot be limited. Rule 3-400, Rules of Professional Conduct expressly prohibits attorneys from prospectively limiting the attorney's liability. The fact that an attorney is providing pro bono assistance does not provide any greater protection from liability than in any other attorney-client situation. See Nichols v. Keller, 15 Cal.App.4th at 1684.

#### **F. Conflicts Of Interest**

Conflicts of interest must be avoided when advising disaster survivors in the same manner as with the representation of any other client. (See Rule 3-310, Rules of Professional Conduct.) As much as possible, procedures should be in place to identify potential and actual conflicts, obtain appropriate waivers, make appropriate disclosures and otherwise avoid prohibited conflicts of interest. Where practicable, disaster assistance providers should identify and therefore reduce conflicts of interest at the screening stage.

Care should be taken to assure that adversaries are not advised or assisted by the same attorney or entity unless effective safeguards are established. If appointments are set in advance, the names of all disaster survivors seeking assistance and their opposing parties should be reviewed to identify those who are currently receiving assistance and those who have received assistance in the past from the provider. Participating volunteer attorneys should review in advance the names of those they are scheduled to see to identify potential conflicts with their law firms. Conflicts involving a particular client can be imputed to an entire firm sometimes with serious ramifications. See, e.g., Henriksen v. Great American Savings & Loan (1992) 11 Cal.App.4th 109; In re Complex Asbestos Litigation (1991) 232 Cal.App.3d 572.

Once a potential or actual conflict is identified, appropriate disclosures and consents should be obtained, the disaster assistance discontinued or other appropriate action taken to address the conflict issue. It also noteworthy that there are some matters in which the conflicts may be such that written consent may not suffice for non-disciplinary purposes. See Woods v. Superior Court (1983) 149 Cal.App.3d 931; Klemm v. Superior Court (1977) 75 Cal.App.3d 893; Ishmail v. Millington (1966) 241 Cal.App.2d 520.

#### **G. Unauthorized Practice**

Where disaster assistance is provided by attorneys, concerns regarding non-attorneys providing legal advice are not present. However, it is possible that non-attorneys may be involved in the process as well. In such circumstances, care should be taken to assure that non-attorneys do not provide more than clerical or coordination assistance unless they are properly supervised by an attorney. See, e.g., People v. Landlords Professional Service (1989) 215 Cal.App.3d 1599. It is a crime and a disciplinary offense to engage in the unauthorized practice of law (Rule 1-300, Rules of Professional Conduct; Bus. & Prof. Code, § 6125 et seq.). It is also prohibited for an attorney to aid or assist anyone in the unauthorized practice of law (Rule 1-300, Rules of Professional Conduct).

#### **H. Consultation with State Bar Ethics Hotline**

Attorney participants should be informed that the State Bar Ethics Hotline (1-800-2-ETHICS or 1-800-238-4427) is available to attorneys for guidance on professional responsibility issues. Although the Ethics Hotline staff does not provide advice, they do direct attorneys to rules,

statutes, cases and advisory opinions on professional responsibility for the attorneys themselves to review and analyze. Attorneys are encouraged to contact the Ethics Hotline if they need help with ethical concerns described above or with other ethical issues.

## Section 5: FEDERAL EMERGENCY MANAGEMENT AGENCY

DISCLAIMER NOTICE .....	30
OVERVIEW .....	30
 I.     DECLARATION OF A DISASTER.....	30
A.     Local Disaster or State of Emergency.....	30
B.     Disaster Declaration Process for a Major Disaster.....	30
1.     State Action .....	30
2.     Federal Response .....	30
3.     Action by FEMA .....	31
C.     Presidential Declaration of Disaster .....	31
1.     Human Services (Individual Assistance) .....	31
2.     Infrastructure Assistance to State and Local Government and Eligible Private Non-Profit Organizations (Public Assistance) .....	31
3.     Hazard Mitigation Grant Program for State and Local Governments and Eligible Private Non-Profit Organizations (Public Assistance).....	31
D.     Deadlines for Individual Assistance Programs .....	31
E.     Denials and Appeals.....	32
F.     No Duplication of Benefits .....	32
G.     Sequence for Disaster Aid.....	32
H.     Cora Brown Fund.....	32
1.     Disaster Assistance .....	32
2.     Identification of Candidates for Assistance .....	33
 II.    FEMA AT WORK .....	33
A.     Application Process.....	33
B.     Teleregistration and Disaster Recovery Centers .....	33
1.     Teleregistration.....	33
2.     Outreach Teams and Workshops .....	34
3.     DRCs: Disaster Recovery Centers .....	35
4.     DRCs: Crisis Counseling.....	35
5.     Voluntary Assistance Agencies (VOLAGs) at DRCs Including Legal Services .....	35
C.     FEMA's Inspection, Verification, Recertification and Audit Process .....	35
1.     Initial Response .....	35
2.     Inspections .....	35
3.     Review, Verification and Recertification.....	36
4.     Legal Presence Requirement for Disaster Housing Assistance Eligibility .....	36
5.     Audits.....	36
D.     The Appeals Process .....	36
1.     Basic Reasons for an Appeal .....	36
2.     Deadlines .....	37
3.     Inspection Reports .....	37
4.     Right to an Authorized Representative .....	37
5.     Final Decision .....	37
6.     Recoupment .....	37
 Endnotes .....	38

Chart: Disaster Declaration Process .....	38
Chart: Application Deadlines for Individual Assistance Programs	

## **5 FEDERAL EMERGENCY MANAGEMENT AGENCY**

### **DISCLAIMER NOTICE--**

*Please be advised that the following information regarding FEMA disaster assistance programs is designed to provide a general familiarity with the programs as they have been applied in past disasters. FEMA disaster assistance programs are flexible and discretionary in nature. Accordingly, it is strongly recommended that users of this manual verify the following information with FEMA following a particular disaster declaration.*

### **OVERVIEW**

The Federal Emergency Management Agency (FEMA) provides individual disaster victims with assistance under several programs. The eligibility rules for each program differ -- an applicant who does not qualify for one program, may qualify for another.

FEMA is also responsible for emergency planning, preparedness, mitigation, response and recovery through administration of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act)<sup>1</sup>. FEMA provides assistance to both public entities and individuals. This section will focus only on the programs which assist individuals and families. For an overview of disaster individual assistance programs available for renters and homeowners, see the chart at the end of Section 6.

### **I. DECLARATION OF A DISASTER**

#### **A. Local Disaster or State of Emergency**

When a natural or man made disaster arises, the local community -- both governmental and volunteer -- responds. The local Red Cross, Salvation Army, or other private relief agencies usually initiate assistance to victims of a local disaster such as a fire or flood. In some cases, the degree of the disaster exceeds local resources. When conditions of extreme peril or disaster threaten the safety of persons and property, the local governing body, city council or board of supervisors, declares a local state of emergency. This action releases local emergency funds and emergency powers.

When this is insufficient to meet the needs of the crisis, the county or city government requests the state's governor to proclaim a state of emergency. This releases state funds for reimbursement of local costs. It allows the state to use emergency powers to redirect funds to the crisis and allows for emergency property tax relief and housing loan funds to owners of damaged private residences. It is a prerequisite for requesting federal recovery assistance.

#### **B. Disaster Declaration Process for a Major Disaster**

##### **1. State Action**

If the damage exceeds state, local and private relief resources, the governor submits a letter to the FEMA Regional Director requesting Federal Government assistance.

##### **2. Federal Response**

The Regional Director investigates and makes a recommendation to the Director of FEMA in Washington, D.C. The Director of FEMA recommends to the President whether or not a federal disaster should be declared.

### **3. Action by FEMA**

Once the President makes a Federal disaster declaration, the Director of FEMA appoints a Federal Coordinating Officer (FCO) to coordinate the administration of local disaster assistance programs. The FEMA Regional Director may designate a Disaster Recovery Manager (DRM), but often the FCO and DRM are the same person. The Associate Director of FEMA designates the types of available assistance to disaster victims and the eligible program assistance areas. Also, the State Governor appoints a State Coordinating Officer (SCO) to coordinate state and local disaster assistance efforts with FEMA. A Disaster Field Office (DFO) is established in or near the affected area. The DFO houses federal and state staff responding to the disaster. A chart summarizing the disaster declaration process is located at the end of Section 5.

### **C. Presidential Declaration of Disaster**

The date that the President makes a Declaration of a Major Disaster (or Emergency) is the key to releasing funds for three major types of federal disaster assistance, if requested and designated.

#### **1. Human Services (Individual Assistance)**

- a. Disaster Housing Assistance (See Section 7)
- b. Small Business Administration loans to individuals and businesses (See Section 9)
- c. Farm Service Agency (FSA) Emergency loans to farmers and ranchers<sup>2</sup>
- d. Individual and Family Grants (See Section 8)
- e. Emergency Food Stamps (See Section 11)
- f. Crisis Counseling (See below II.B.4.)
- g. Disaster Unemployment Assistance (See Section 10)
- h. Disaster Legal Services (See Sections 2 and 4)

#### **2. Infrastructure Assistance to State and Local Governments and Eligible Private Non-Profit Organizations (Public Assistance)**

- a. Debris clearance;
- b. Repair of public roads, streets, bridges, buildings;
- c. Emergency protective measures, search and rescue, demolition of unsafe structures; and
- d. Repair/replacement of water control facilities (dikes and levees).

#### **3. Hazard Mitigation Grant Program for State and Local Governments and Eligible Private Non-Profit Organizations**

Provides financial assistance for approved mitigation measures which are cost effective and substantially reduce the risk of future damage from a major disaster.

### **D. Deadlines for Individual Assistance Programs**

The declaration date is an important date because it is the basis for all disaster assistance deadlines. The Incident Period which is the time interval during which the disaster-causing incident occurred is also important because the damages or hardship claimed must have resulted from the disaster-causing incident during that period or in anticipation of that incident. A chart listing the number of days or months after the disaster declaration date within which an applicant may submit a timely application can be found at the end of Section 5.

## **E. Denials and Appeals**

Individuals who miss deadlines, are found ineligible for assistance, or receive an inadequate amount of assistance may appeal the decision. In addition, individuals whose applications are withdrawn or whose applications are refused because of late filing may appeal. All FEMA appeals must be filed within 60 days of the date of the notice of decision. The agency must review the appeal and make a final decision within 90 days<sup>3</sup>.

Every program and agency has a separate appeals program. An applicant must file a separate appeal for each denial.

## **F. No Duplication of Benefits<sup>4</sup>**

Individuals and families may receive assistance from various sources: private insurance, FEMA, traditional government benefits, Small Business Administration loans, etc. However, the rule is that FEMA may not provide benefits duplicated through insurance or other governmental assistance programs<sup>5</sup>. FEMA can provide assistance that may ultimately be paid for by insurance, for example, subject to a repayment requirement (see below).

## **G. Sequence for Disaster Aid**

The sequence for disaster assistance duplication is the following:

1. Voluntary Agencies emergency assistance;
2. Insurance (See Section 13F);
3. Disaster Housing Assistance (housing or housing repairs) (See Section 7);
4. Small Business Administration loans or Farm Service Agency emergency loans for farmers and ranchers (See Section 9);
5. Individual and Family Grants Program assistance (See Section 8);
6. Volunteer agencies "additional assistance" programs;
7. Cora Brown Fund (See below H).

Assistance only duplicates other aid which is higher on the list. Duplication of benefits exists when a family receives disaster assistance funds for the same need more than once. For example, a family may receive money for home repairs from both the Individual and Family Grant Program (IFGP) (#5 in the sequence) and from insurance (#2 in the sequence) for the same repairs. Since IFGP is #5, the family will probably have to pay IFGP back since it comes later in the sequence. However, if they can show that the cost for eligible repairs exceeded the money received or the IFGP award covered their insurance deductible, they may not have to repay the award.

## **H. Cora Brown Fund**

The Cora Brown Fund<sup>6</sup> ("Fund") which is administered by FEMA provides special disaster assistance awards which are made possible by a bequest of funds from the late Cora C. Brown of Kansas City, Missouri. The fund is used for extraordinary circumstances involving serious, unmet disaster-related needs of individuals.

### **1. Disaster Assistance**

Fund awards are to be used to provide for disaster-related needs that have not been or will not be met by governmental departments and agencies, or any other organizations which have programs to address such needs. It is not intended to replace or supersede these programs or to duplicate assistance for which a person is eligible from other sources.

General categories of assistance include:

- a. Disaster-related home repair and rebuilding assistance;
- b. Costs associated with temporary housing or permanent rehousing;
- c. Disaster-related unmet needs; and
- d. Other services which alleviate human suffering and promote the well-being of disaster victims.

## **2. Identification of Candidates for Assistance**

Assistance is not available to disaster victims in non-declared disasters or in non-declared counties.

Because the Fund is not automatically available, disaster victims do not apply for such assistance. Candidates who may be in need of this assistance may be identified by the Regional Director through contacts with other departments or agencies, or by local governments, the American Red Cross, and other volunteer agencies active in disasters. A panel of such agencies such as an unmet needs committee may be established to facilitate identification of disaster victims who may benefit from the Fund.

An award may be provided to the disaster victim or jointly to him/her and to the State, a local agency or volunteer organization to assist in providing the approved assistance. Assistance may be awarded to provide authorized services which benefit a group of disaster victims. Contact FEMA for more information on the operation of the fund.

## **II.**

### **FEMA AT WORK**

#### **A. Application Process**

Each applicant must register for assistance (either by telephone or, if provided for, in-person). A FEMA screener registers each person and completes a one-page computerized application form. See Appendix L for sample application form. A control number appears on the top of each application for identification purposes.

#### **B. Teleregistration and Disaster Recovery Centers**

##### **1. Teleregistration**

After the President makes a Declaration of Disaster, individuals may call toll-free 1-800-462-9029, TDD 1-800-462-7585 and register for disaster assistance. AT&T and FEMA may provide interpreter services for non-English speakers. Procedures for in-person registration are decided on a disaster-by-disaster basis and will generally not be implemented except as a last resort when teleregistration is impossible or impractical.

Applicants will need to have the following information available when they teleregister:

- a. Social security number;
- b. Physical and mailing address of the damaged property;
- c. Insurance information;
- d. Phone number where they can be reached; and
- e. A description of their losses.

An applicant's response to the questions on the FEMA registration/application form the basis for consideration for programs administered by FEMA, as well as referral by FEMA to disaster assistance programs such as SBA and IFGP which are administered by other agencies.



All applicants receive a control number which enables them to track their application. Each applicant should keep this number and the name of the person who registered them in the event of lost or disputed applications.

## **2. Outreach Teams and Workshops**

In addition to using the media, FEMA and OES conduct workshops at outreach locations to inform local government, non-profit agencies and disaster victims about the available disaster programs, as well as the most current state/federal regulations. FEMA uses the outreach teams and workshops as a means to inform persons throughout a widespread disaster area about the disaster relief effort and to encourage individuals to apply for benefits.

## **3. DRCs -- Disaster Recovery Centers**

Disaster Recovery Centers (DRCs) are temporary facilities that may be established in disaster areas to provide assistance information to disaster victims. FEMA in coordination with OES decides whether to, and for how long to, establish DRCs after each disaster. Geography and the extent of damage are major factors in considering whether to open DRCs and their locations. Each DRC is managed and staffed by both FEMA and state OES personnel.

DRCs may include representatives from various federal, state, local government and volunteer agencies. They may provide information and assistance in areas such as legal services, individual loans, financial grants, tax advice, consumer concerns, public benefits, unemployment insurance, agricultural assistance, medical services, veterans services and volunteer services. FEMA may use mobile DRCs to reach homebound victims or isolated communities as necessary.

## **4. DRCs -- Crisis Counseling**

Disaster victims are eligible for crisis counseling if they were residents of the designated major disaster area or located in the area at the time of the disaster event. They must have a mental health problem which was caused or aggravated by the disaster or its aftermath or benefit from preventive care techniques. Crisis counseling is available not only for victims but also for emergency workers who may become overwhelmed during disaster work. Disaster crisis counseling services are not limited to the DRCs.

## **5. Voluntary Assistance Agencies (VOLAGs) at DRCs Including Legal Services**

Each community also has many voluntary agencies including, but not limited to, the American Red Cross, Salvation Army, Economic Opportunity Councils, food banks, agencies on aging, independent living centers and local legal services providers and bar associations. Each of these agencies may provide information or persons who can assist survivors with community resources. Not all DRCs will have representatives from the same entities and participation varies from disaster to disaster.

# **C. FEMA's Inspection, Verification, Recertification and Audit Process**

## **1. Initial Response**

Immediately following a disaster, the American Red Cross and other volunteer groups provide life supporting services such as food and shelter. FEMA, in conjunction with OES, coordinates the efforts of many other federal, state, local and volunteer agencies that then provide services to help people through the recovery process.

## **2. Inspections**

For FEMA Disaster Housing Assistance (DHA) including rental assistance and home repairs, FEMA sends a FEMA inspector to inspect the property for disaster-related damages. The FEMA inspector does not make eligibility determinations. The inspection information gathered will be used for eligibility determinations for DHA and for IFGP home repair and personal property damage assistance.

Applicants must be available for inspections on short notice or their application may be withdrawn. They do not need to wait until the FEMA inspector comes to their home in order to start cleaning up. Applicants should be prepared to do the following for the FEMA inspector:

- a. Verify home ownership and residence or tenancy;
- b. Sign the disaster application;
- c. Sign a declaration of legal presence;
- d. Provide identification showing that the applicant is the person he/she says he/she is;
- e. Provide proof of damages to the home or personal property;
- f. Present receipts for disaster-incurred expenses such as for the purchase of supplies for repairs; and
- g. Provide photos of the property before any repairs were made.

FEMA inspectors are different from SBA inspectors, local city building inspectors, insurance adjusters, etc. Applicants should request proof of identification from anyone inspecting their premises. They should also request copies of reports from all the individuals/agencies inspecting the premises.

The FEMA inspection information is generally transmitted to a FEMA National Processing Service Center (NPSC) for processing.

## **3. Review, Verification and Recertification**

The NPSC is responsible for processing the disaster assistance registrations. The processing is centralized in order to provide consistent, efficient, orderly, and responsive service. The NPSC's duties include gathering and reviewing information and making eligibility determinations on FEMA DHA applications; maintaining records; and responding to applicant questions, concerns and issues.

The NPSC reviews the inspection data and the application information and makes the decision to grant or deny assistance or to request additional information and/or verification of eligibility criteria and may request for example records of home ownership or tenancy, copies of insurance documents, estimates of repairs, pay stubs, etc. FEMA notifies the applicant by mail of the decision to grant or deny assistance. The assistance, if any, is generally provided in the form of a check issued by the United States Treasury Department to the applicant and mailed separately from the notice.

If additional assistance is requested, FEMA may request additional verifications after the initial grant. Some programs, such as rental assistance or mortgage and rental assistance may be provided for an initial one-, two-, or three-month period and require recertification if assistance is needed for a longer period of time. An applicant must submit additional information/documentation on his or her housing and/or financial status depending on the type of assistance requested to obtain recertification. Receipts documenting how the initial grant was spent must also be provided. See Section 7 for more information about recertification for Continued Rental Assistance and Mortgage and Rental Assistance.

#### **4. Legal Presence Requirement for Disaster Housing Assistance Eligibility**

In 1995, Congress passed legislation<sup>7</sup> prohibiting non-emergency disaster assistance for all FEMA DHA Programs (Rental Assistance, Mortgage and Rental Assistance, Home Repair Assistance and Transient Accommodations) to persons not lawfully present in the United States. Prior law in 1994 had prohibited FEMA from providing Rental Assistance and Mortgage/Rental Assistance for more than 90 days to persons not lawfully present in the United States.

All applicants applying for FEMA DHA (beginning with FEMA-DR-1067, United States Virgin Islands, September 16, 1995) will be requested to sign a self-certifying declaration that they are a United States Citizen or National, Lawful Permanent Resident, or are otherwise lawfully present within the United States. See Section 13E.

In 1996, Section 401 of The Personal Responsibility and Work Opportunity Reconciliation Act<sup>8</sup>, specified that all persons, regardless of their immigration status, are eligible for short-term, in-kind, non-cash disaster assistance. Moreover, the U.S. Attorney General has the authority to designate certain government-funded community programs or services or assistance necessary for the protection of life and safety for which all persons will be eligible, regardless of immigration status.<sup>9</sup> As of the printing date of this publication, FEMA continues to follow the 1995 legislation referenced above for its non-cash disaster housing assistance programs. Also, FEMA anticipates amending its definition of "lawful presence" in light of welfare reform legislation. See Section 13E.

#### **5. Audits**

FEMA audits a random sampling of all persons granted assistance for verification of lawful presence status.

Other individuals may be audited for assistance eligibility, fraud or documentation on how they spent the money in accordance with their award. For example, housing assistance cannot be used for food or to replace personal property; money for repairs cannot be used for mortgage or rent payments. Those found ineligible or who have misspent FEMA grants may have to repay the money they received. All households that receive FEMA grants should keep copies of all receipts and documents in case of an audit.

#### **D. The Appeals Process<sup>10</sup>**

Any decision regarding eligibility for, from, or amount of DHA may be appealed.

##### **1. Basic Reasons for an Appeal**

Applicants may file an appeal for many reasons. The major ones include:

- a. Applicant eligibility;
- b. Grant of less than the amount requested;
- c. Withdrawal of the applicant's application;
- d. Cancellation of an application 'for cause';
- e. Denial because insurance is available;
- f. Denial of continued assistance; and
- g. Denial for late filing for a program.

Persons filing an appeal should have a clear understanding of FEMA's decision in their cases. If the FEMA decision is not specific, applicants can call the FEMA Information Helpline at 1-800-525-0321 (TDD: 1-800-660-8005) for clarification. Applicants must also determine the specific documentation required for each program and provide supporting documentation showing why the decision was wrong and why they are entitled to assistance. An appeal may be denied if the

applicant fails to provide new additional information or documentation supporting a change in the initial decision. When warranted, an appeal may result in a reinspection of the damaged property.

## **2. Deadlines**

All appeals must be postmarked no later than **60 days after the date of the FEMA notice of decision**. FEMA does not accept appeals if the postmark is after the deadline date. FEMA generally acknowledges receipt of appeals within 15 days. If an applicant does not receive an acknowledgment within that time period, s/he should contact the FEMA Information Helpline.

**The appeal and supporting documentation should be sent to the address provided on the FEMA notice of decision.** If more time is needed in order to submit additional supporting information and/or documentation to FEMA, this should be noted in a timely appeal.

## **3. Inspection Reports**

Applicants may obtain a copy of FEMA's records regarding a challenged decision. By examining the records, an applicant can determine its accuracy in describing property damage, and regarding insurance coverage or eligibility information. The documents on which FEMA based its decision can help the applicant to frame his or her appeal. **A written request for copies of documents should be made to the address provided for that purpose on the FEMA notice of decision.**

Applicants may elect to both appeal and make a request for documents and/or inspection reports. These are, however, separate and distinct and must be sent to the appropriate FEMA address.

## **4. Right to an Authorized Representative**

Applicants can file an appeal directly. However, each applicant is entitled to have his/her authorized representative, such as a volunteer attorney, or a family member or friend file the appeal and represent the applicant. FEMA must have a written authorization from the applicant in order for anyone else to act on an applicant's behalf or request copies of records. **Volunteer attorneys under the ABA YLD umbrella can assist applicants with appeals.**

## **5. Final Decision**

FEMA issues a final written decision within 90 calendar days of the date it receives the appeal. There is no right to a hearing except for applicants living in FEMA-leased housing.

## **6. Recoupment**

Some applicants receive assistance and later, FEMA finds them to be ineligible. Some applicants receive duplicate funds for the housing or property for which FEMA paid. Others unwittingly spend checks that FEMA issues in error. Still others spend money from one program, such as Rental Assistance, to replace personal property or for food. FEMA may initiate recoupment procedures against these persons when it discovers the error.

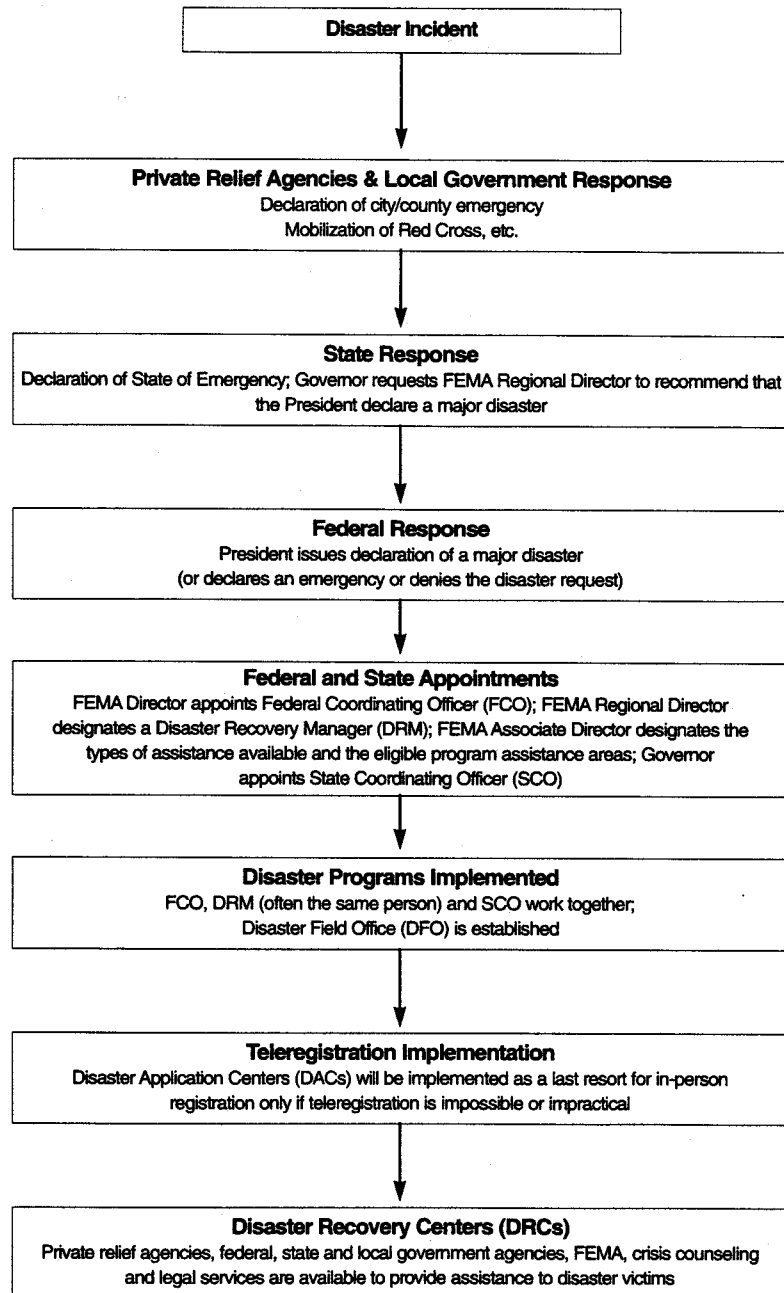
An applicant can resolve the situation by showing that an error was made in determining the applicant was not entitled to the funds. If an applicant cannot resolve the situation, FEMA will collect the debt. Although FEMA contends that lack of fault is not a defense to recoupment, there are exceptions and circumstances that may excuse or reduce the obligation to repay. Advocates can assist applicants in finding an exception to recoupment or in establishing a reasonable repayment schedule.

## Endnotes

1. 42 USC § 5121 et seq. as amended
2. The United States Department of Agriculture's (USDA) Farm Service Agency (FSA) provides emergency loans to farm owners to help cover production and physical losses in counties declared as disaster areas by the President or designated by the Secretary of Agriculture. FSA was set up as part of a reorganization that incorporated programs from several agencies, including the Farmers Home Administration (FmHA). Applications for emergency loans must be received within eight months of the disaster declaration date. For more information about FSA emergency loans, contact FSA at 916-498-5300. For more information about disaster assistance for farmers, see Farmers' Guide to Disaster Assistance, produced by the Farmers' Legal Action Group (FLAG). FLAG can be reached at 612-223-5400.
3. 42 USC § 5189a
4. 42 USC § 5155; 44 C.F.R. § 206.191
5. 42 USC § 5154, 5155
6. 42 USC § 5201; 44 C.F.R. § 206.181
7. Public Law No. 104-19 § 2006 (Emergency Supplemental Appropriations for Additional Disaster Assistance for Anti-Terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act, 1995)
8. Public Law No. 104-193
9. 61 Fed. Reg. 45985 (8/30/96) (AG Order No. 2049-96, Specification of Community Programs Necessary for Protection of Life or Safety Under Welfare Reform Legislation)
10. 44 CFR § 206.101(m)



## Disaster Declaration Process



### Application Deadlines for Individual Assistance Programs

Individual Assistance Programs	Application Deadline*
Rental Assistance	60 days
Mortgage and Rental Assistance (eviction/foreclosure assistance)	6 months
Home Repair Assistance (emergency home repairs)	60 days
Individual and Family Grant Program (See Sec. 8)	60 days
Disaster Unemployment Assistance (See Sec. 10)	30 days
SBA loans for damage or loss of 60 days real and personal property to individuals, businesses and non-profits (See Sec. 9)	60 days
SBA Loans for economic injury to small businesses (See Sec. 9)	9 months
Emergency Food Stamps (See Sec. 11)	10 days

\* Deadlines may be extended by FEMA based on the nature and scope of the disaster.



## Section 6: KEY INFORMATION FOR DISASTER ASSISTANCE APPLICANTS

[\(back to table of contents\)](#)

<b>I.</b>	<b>HOW TO USE THIS CHAPTER .....</b>	<b>42</b>
<b>II.</b>	<b>HOW TO APPLY FOR FEDERAL DISASTER ASSISTANCE.....</b>	<b>42</b>
<b>III.</b>	<b>ESSENTIAL INFORMATION FOR DISASTER ASSISTANCE APPLICANTS .....</b>	<b>42</b>
<b>IV.</b>	<b>CHECKLISTS .....</b>	<b>42</b>
	<b>A. Damaged or Destroyed Residence .....</b>	<b>43</b>
	<input type="checkbox"/> 1. Assistance with Housing Costs .....	42
	<input type="checkbox"/> 2. Homeowner's Assistance to Repair, Replace, Rebuild Housing .....	42
	<input type="checkbox"/> 3. Personal Property Replacement .....	44
	<input type="checkbox"/> 4. Moving and Storage Costs .....	44
	<input type="checkbox"/> 5. Transportation .....	44
	<b>B. Owners and Employees of Destroyed or Damaged Businesses and Others with Financial Problems Caused by the Disaster .....</b>	<b>45</b>
	<input type="checkbox"/> 1. Unemployment Insurance .....	45
	<input type="checkbox"/> 2. Mortgage and Rental Assistance (MRA) .....	45
	<input type="checkbox"/> 3. Public Assistance .....	45
	<input type="checkbox"/> 4. Food Stamps .....	45
	<input type="checkbox"/> 5. Small Business Administration (SBA) .....	45
	<b>C. Physical Injury or Mental Distress .....</b>	<b>45</b>
	<input type="checkbox"/> 1. Individual and Family Grant Program, MediCal and County Mental Health Providers .....	45
	<input type="checkbox"/> 2. Mental Health Counseling .....	45
	<b>D. Death of a Family Member .....</b>	<b>46</b>
	<input type="checkbox"/> 1. Disaster Unemployment Assistance .....	46
	<input type="checkbox"/> 2. Funeral Expenses .....	46
	<input type="checkbox"/> 3. Social Security .....	46
<b>V.</b>	<b>ENDNOTES .....</b>	<b>46</b>
<b>VI.</b>	<b>CHART: Chronology of FEMA, SBA and IFGP Applications .....</b>	<b>47</b>
	<b>CHART: Overview of FEMA Disaster Individual Assistance Programs Available for Renters and Homeowners .....</b>	<b>47</b>
	<b>CHART: Overview of Non-FEMA Disaster Individual Assistance Programs Available for Renters and Homeowners .....</b>	<b>47</b>

## 6 INFORMATION FOR DISASTER ASSISTANCE APPLICANTS

### I. HOW TO USE THIS CHAPTER

This section is designed to be the cornerstone of this **California Handbook for Disaster Legal Services** (Handbook) and accomplishes the following:

- A. Summarizes how to apply for federal disaster assistance;
- B. Encapsulates important information for advocates to give to all disaster assistance applicants;
- C. Provides checklists of applicable assistance programs and advice for people with specific types of problems; and
- D. Cross-references the checklists with the Handbook.

All advocates should read Paragraph III., "Essential Information for Disaster Assistance Applicants," and use the checklists in this Section as a map to the rest of the Handbook.

### II. HOW TO APPLY FOR FEDERAL DISASTER ASSISTANCE

A phone call to the Federal Emergency Management Agency (FEMA) and written application to the Small Business Administration (SBA) should automatically trigger application to FEMA, SBA and the Individual and Family Grant Program (IFGP).<sup>1</sup>

In order to be eligible for an IFGP grant, applicants must complete the FEMA application process, which may include a referral to the Small Business Administration. If an applicant receives an SBA application, it must be completed. Applicants who cannot afford to repay a loan will be automatically referred to IFGP. There is a summary denial procedure from the SBA program for low-income applicants. For an overview of the grant-making process, see the chart "Chronology of FEMA, SBA and IFGP Applications," at the end of this Section.

### III. ESSENTIAL INFORMATION FOR DISASTER ASSISTANCE APPLICANTS

- A. There are separate agencies with different application forms that may need to be completed. Sometimes the applicant completes the form (e.g. SBA), and in other instances, applications (e.g. FEMA) are completed by a staff person or volunteer who asks the applicant questions. The applicant should receive and keep a copy of all applications.
- B. Applicants have distinct appeal rights for each of the agencies to which they apply.
- C. Applicants have 60 days to appeal decisions from FEMA and IFGP after denial. See Section 5; Section 8, Paragraph VIII. Applicants have 30 days to appeal SBA decisions, after a reconsideration is denied. See Section 9, Paragraph II.E. Application deadlines are rigid, so **applicants should consider writing an appeal letter as soon as possible** and should keep a photocopy of it. Even a simple initial letter is adequate, because the agencies accept revisions. Applicants who believe that the denial is based on an inadequate inspection should request a re-inspection rather than appeal.
- D. There are several different agencies that each respond to separate needs and hardships. The checklists below help to identify which programs and agencies may be of assistance.
- E. Applicants are urged to tell the FEMA application registrar all of their disaster-related damage and to make sure that the registrar writes everything down by asking the registrar to read the list back.
- F. The FEMA Helpline (if applicable) provides information about the status of applications. Applicants may contact their local legal services office and any operational disaster legal hotlines.

for free legal assistance. (However, note that most legal services offices only provide services for low-income people.)

- G. **Saving the following original documents is important** in order to obtain assistance and recertification: Rent receipts, leases, all correspondence with FEMA, SBA or IFGP, verification of disaster-related medical or mental health treatment and all correspondence with insurance carriers. It is also important to save damaged personal property until the inspector sees the property.
- H. For an overview of FEMA and Non-FEMA disaster individual assistance programs available for renters and homeowners, see the charts at the end of Section 6.

#### IV.

#### CHECKLISTS

##### A. Damaged or Destroyed Residence

##### 1. Assistance with Housing Costs

FEMA: FEMA provides Transient Accommodations (reimbursement for lodging) up to 30 days and Rental Assistance (RA) for up to 90 days. If assistance is needed for longer than 90 days, stringent certification procedures must be met. Rent receipts are required in order to be eligible for assistance beyond 90 days. (Both programs are available for renters and homeowners.) See Section 7.

AFDC: Aid to Families with Dependent Children (AFDC)<sup>2</sup> may provide a Non-Recurring Special Needs (NRSN) grant to eligible recipients to pay for interim shelter or temporary housing. See Section 12.

AFDC: The AFDC Homeless Assistance Program (HAP) may provide a once in a lifetime grant to eligible homeless families. There are two types of aid currently available: temporary housing assistance to pay for motels, etc., and permanent housing assistance to pay for move-in costs for permanent housing. See Section 12.

Other cross-references:

Overview charts of FEMA and Non-FEMA Disaster Individual Assistance Programs Available for Renters and Homeowners, Section 6

Other Housing Assistance, Section 7

General housing legal summary, Section 13D

Public Assistance Chart, Section 12

##### 2. Homeowner's Assistance to Repair, Replace or Rebuild Housing

FEMA: Regardless of income, FEMA may provide money to quickly restore a primary residence to livable conditions. See Section 7.

IFGP: For low-income people, IFGP may provide a grant for home repairs. See Section 8. Note special rule for flood insurance. See Section 13F.

SBA: For people who earn enough money to repay a loan, SBA offers low-interest loans to repair, replace or rebuild primary residences. See Section 9. Note special rule for flood insurance. See Section 13F.

AFDC: AFDC may provide a NRSN grant to pay for essential repairs to a damaged home owned by an AFDC family. See Section 12.

HUD: May offer Section 8 rental assistance depending on the type of disaster. HUD offers Section 203(h) mortgage insurance for disaster victims as administered by the Federal Housing Administration (FHA).

Other cross-references:

Comprehensive Chart of Chronology of FEMA, SBA and IFGP Applications,  
Section 6

Overview charts of FEMA and Non-FEMA Disaster Individual Assistance Programs Available for Renters and Homeowners, Section 6

FEMA and other housing assistance, Section 7

Insurance legal summary, Section 13F

Miscellaneous legal summaries on real property and taxes, Section 13G.

### **3. Personal Property Replacement**

FEMA: FEMA may give disaster victims money for "essential furniture" that is needed to occupy a primary or temporary residence. See Section 7.

IFGP: For low-income people, IFGP may provide a grant to repair or replace clothes, household items, home furnishings, large appliances or tools that were required for employment. See Section 8. Note special rule for flood insurance. See Section 13F.

SBA: For people who earn enough money to repay a loan, SBA may provide a low-interest loan to repair or replace personal property. See Section 9. Note special rule for flood insurance. See Section 13F.

AFDC: AFDC may provide eligible recipients with a NRSN grant to replace or repair clothing and/or household items. See Section 12.

Other cross-references:

Insurance legal summary, Section 13F

### **4. Moving and Storage Costs**

IFGP: IFGP may provide money for moving and storage costs in order to prevent or reduce damage. See Section 8.

AFDC: AFDC may provide an NRSN grant for eligible recipients to pay for moving and storage costs. See Section 12.

### **5. Transportation**

IFGP: IFGP may provide money for public or private transportation for disaster victims who were displaced and must commute to work. See Section 8.

**B. Owners and Employees of Destroyed or Damaged Businesses and Others with Financial Problems Caused by the Disaster**

**1. Unemployment Insurance**

Applicants can register for regular Unemployment Insurance (UI) or Disaster Unemployment Assistance (DUA). Applicants should contact the Employment Development Department (EDD) regarding application to both programs. See Section 10 and Section 13C.

**2. Mortgage and Rental Assistance (MRA)**

FEMA will pay rent or mortgage payments for tenants or homeowners who are subject to immediate eviction or foreclosure due to disaster-related "financial hardship". Hardship could be the loss of a job, or a business for people who are self-employed. See Section 7. Applicants should tell the FEMA registrar if they have been approved for DUA when they are applying for MRA since this should prove that they are unemployed as a result of the disaster.

**3. Public Assistance**

Disaster victims can apply for welfare assistance at the Department of Social Services (DSS). Victims can be referred to the local legal aid office. See Section 12.

**4. Food Stamps**

Advocates should determine whether or not disaster victims with financial problems have enough food. If not, victims can be referred to DSS for food stamps. See Section 11.

**5. Small Business Administration (SBA)**

The SBA offers two types of business related loans to disaster victims: 1) Business Physical Disaster Loans to repair or replace disaster damage to property, including inventory and business development, and 2) Economic Injury Disaster Loans (EIDL) to help small businesses which suffered economic injury as a result of the disaster. See Section 9. Note that the total of the combined loans cannot exceed \$1.5 million. Also note that some banks may make special loans available for disaster victims.

**C. Physical Injury or Mental Distress**

**1. Individual and Family Grant Program, Medi-Cal and County Mental Health Providers**

IFGP provides minimal grants for medical and dental expenses which are not covered by other programs. See Section 8. Medi-Cal will cover medical expenses for eligible disaster victims. Psychological services are provided through county mental health care providers.

**2. Mental Health Counseling**

FEMA may give grants to local established non-profit mental health agencies to provide free counseling to disaster victims.

**D. Death of a Family Member**

**1. Disaster Unemployment Assistance**

Available for people who have become the head of household because of a death due to the disaster. See Section 10.

**2. Funeral Expenses**

IFGP gives grants for funeral, burial or cremation expenses for people who died as a direct result of the disaster. See Section 8.

**3. Social Security**

The Social Security Administration provides death and survivor's benefits.

**Endnotes**

1. Applicants "visit" FEMA by going to a Disaster Application Center (DAC) or Disaster Recovery Center (DRC), but usually initiate an application by calling the FEMA teleregistration line at 1-800-462-9029. Depending on the disaster, FEMA will publicize its teleregistration number, and may open DACs or DRCs.
2. IFGP is administered by the state. Although IFGP is interrelated with the two federal programs, FEMA and SBA, it is a separate program.
3. In 1997, it is anticipated that the AFDC program rules will change under a new block grant program established by PRWORA. See Caveat in Section 12.

## Overview of FEMA Disaster Individual Assistance Programs Available for Renters and Homeowners

Individual Assistance Programs	Renter/Tenant	Homeowner
<b>1. Housing Programs (See Sec. 7)</b>  a. Rental Assistance (RA) (apply up to 60 days after disaster) (1) Initial  (2) Continuing  b. Mortgage and Rental Assistance (MRA) (apply up to six months after disaster) (1) Initial (2) Continuing  c. Home Repair Assistance (HRA) (apply up to six months after disaster)  d. Transient Accommodations (reimbursement for lodging up to 30 days)  e. Government Temporary Housing (e.g. temporary mobile homes)	(1) Residence is damaged or uninhabitable because of the disaster (includes utility cut-offs)  (2) Requires recertification  b. Renter must receive an eviction notice from the landlord to qualify (1) Initial certification (2) Requires recertification  c. Not available  d. Residence is damaged and paid receipts are required  e. Disaster specific	(1) Residence is destroyed or is uninhabitable because of the disaster and cannot be repaired within 30 days (includes utility cut-offs) (2) Requires recertification  b. Homeowner must receive a notice of foreclosure from lender (1) Initial certification (2) Requires recertification  c. Homeowners are eligible for repairs which can be made within 30 days  d. Residence is damaged and paid receipts are required  e. Disaster specific
<b>2. Individual and Family Grant Program (IFGP) (See Sec. 8)</b> (apply up to 60 days after disaster) a. Housing repairs b. Personal property c. Automobile/transportation d. Medical/dental e. Flood insurance f. Funeral expenses g. Moving expenses	a. Not available b. Yes c. Yes d. Yes e. Limited coverage (See Sec. 13F) f. Yes g. Yes	a. Yes b. Yes c. Yes d. Yes e. Yes f. Yes g. Yes
<b>3. Disaster Unemployment Assistance (DUA) (See Sec. 10)</b> (apply up to 30 days after disaster) a. Self-employed b. Unemployed because of disaster	a. Yes b. Yes	a. Yes b. Yes
<b>4. Crisis Counseling/Stress Management (See Sec. 5)</b>	a. Yes	a. Yes
<b>5. Legal Services (See Sec. 2 and 4)</b>	a. Yes	a. Yes
<b>6. Cora Brown Fund (See Sec. 5)</b>	Yes, if need is not met by another program like IFGP	Yes, if need is not met by another program like IFGP

## Overview of Non-FEMA Disaster Individual Assistance Programs Available for Renters and Homeowners

Individual Assistance Programs	Renter/Tenant	Homeowner
<b>1. American Red Cross (See Sec. 7)</b>	Emergency shelter and food	Emergency shelter and food
<b>2. Department of Agriculture (USDA)</b>  a. Emergency Food Stamps (See Sec. 11) (apply up to 10 days after disaster) b. Farm Service Agency (FSA) Emergency Loans (See Sec. 5) (apply up to 8 months) c. Rural Housing Service (RHS) (See Sec. 7) (assistance provided is not disaster specific)	a. Yes  b. Farm owners eligible for loans to cover production and physical losses  c. Rental assistance to low-income rural families for rent and utilities	a. Yes  b. Farm owners eligible for loans to cover production and physical losses  c. Loans and grants to low-income rural homeowners to purchase, construct, improve, repair or relocate residence
<b>3. Department of Housing and Urban Development (HUD) (See Sec. 7 and 13D)</b>	Section 8 rental assistance; relocation plan for renters already in subsidized or public housing; Section 203(h) mortgage insurance	Section 203(h) single family mortgage insurance to reconstruct or replace principal residence that was damaged or destroyed by disaster
<b>4. Small Business Administration (SBA) Loans (See Sec. 9)</b> a. Physical disaster loans (apply up to 60 days after disaster) (1) Home repair (2) Personal property b. Physical disaster loans for businesses (apply up to 60 days after disaster) c. Economic injury to businesses (apply up to 9 months after disaster)	(1) No, unless lease makes tenant responsible for repairs (2) Yes b. Yes  c. Yes, if small business	(1) Yes (2) Yes b. Yes  c. Yes, if small business
<b>5. Department of Veterans Affairs (VA) (See Sec. 7)</b>	Information about benefits, pensions and insurance settlements	Information about benefits, pensions and insurance settlements; adjustment for VA-insured home mortgage
<b>6. California Housing Finance Agency (CHFA) (See Sec. 7)</b>	Low-interest loans for renters to purchase first home	Lower interest single family home loans for low-income homeowners
<b>7. Aid to Families with Dependent Children (AFDC) (See Sec. 12)</b>	Homeless Assistance Program (HAP) grants to AFDC recipients for temporary and permanent housing assistance OR Non-Recurring Special Needs (NRSN) grant for temporary housing and personal property loss	HAP grants to AFDC recipients for temporary and permanent housing assistance OR NRSN grant for temporary housing, essential home repairs and personal property loss
<b>8. Supplemental Security Income (SSI) (See Sec. 12)</b>	Emergency Advance Payments (EAP) for applicants who are proven eligible or presumptively eligible for SSI	Emergency Advance Payments (EAP) for applicants who are proven eligible or presumptively eligible for SSI
<b>9. Food Stamps (See Sec. 11)</b>	Disaster Food Stamps; Replacement Food Stamps; Expedited Food Stamps	Disaster Food Stamps; Replacement Food Stamps; Expedited Food Stamps



# Chronology of FEMA, SBA and IFGP Applications

## Application to Disaster Assistance Programs

